



2-1
COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT

PLANNING COMMISSION

*Promoting the wise use of land
Helping build great communities*

MEETING DATE February 9, 2006	CONTACT/PHONE Brian Pedrotti 788-2788	APPLICANT Ken Moore	FILE NO. TRACT 2634 SUB2003-00128
SUBJECT Proposal by Ken Moore for a Tentative Tract Map (Tract 2634) and Conditional Use Permit to allow for the subdivision of a 0.50-acre parcel into three parcels and construction of three residences as a planned development. The proposed residential parcels range in size from approximately 7,029 to 7,435 square feet each. The proposed residences would be two-story, include an attached garage, and are 1,852 square feet each. The proposal includes a common area on proposed Parcel 2. The proposed project would result in the disturbance of 0.50 acre. The project site is located on the south side of Grande Avenue, approximately 100 feet west of Butterfly Lane, in the community of Nipomo, in the South County (Inland) Area Plan.			
RECOMMENDED ACTION 1. Adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Vesting Tentative Tract 2634 based on the findings listed in Exhibits A and C, and the conditions listed in Exhibits B and D.			
ENVIRONMENTAL DETERMINATION The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on December 28, 2005 for this project. Mitigation measures are proposed to address agricultural resources, air quality geology and soils, noise, public service and utilities, recreation, transportation and circulation, and water, and are included as conditions of approval.			
LAND USE CATEGORY Residential Multi-Family	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 092-142-037	SUPERVISOR DISTRICT(S) 4
PLANNING AREA STANDARDS: Sec. 22.112.020 – South County Areawide Standards. Circulation, transit-oriented development. Sec. 22.112.080 – Nipomo Urban Area Standards, communitywide. Connection to sewer. Sec. 22.112.080.G – Residential Multi-Family <i>Does the project conform to the Planning Area Standards – Yes, see discussion</i>			
LAND USE ORDINANCE STANDARDS: Ch. 22.10 – Development Standards (Lighting, fencing, screening, density, setbacks) Ch. 22.16 – Landscaping Ch. 22.18 – Parking Sec. 22.22.080 – Residential Multi-Family Subdivision Design			
EXISTING USES: Residence, drainage basin			
SURROUNDING LAND USE CATEGORIES AND USES: North: Residential Multi-Family/undeveloped South: Residential Single-Family/residence East: Residential Multi-Family/residence West: Agriculture/nursery operations			
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242</small>			

2-2

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Nipomo Community Advisory Group, Public Works, Environmental Health, Ag Commissioner, County Parks, CDF, Nipomo Community Services District, APCD	
TOPOGRAPHY: Nearly level	VEGETATION: Grasses
PROPOSED SERVICES: Water supply: Community system Sewage Disposal: Community sewage disposal system Fire Protection: CDF	ACCEPTANCE DATE: March 28, 2005

ORDINANCE COMPLIANCE:

Minimum Parcel Size and Development Standards

Section 22.22.080 of the Land Use Ordinance allows for the Review Authority, through Conditional Use Permit approval, to determine minimum parcel size for a planned development. The density of residential units must be in compliance with Planning Area Standards and Section 22.10.130 for Residential Multi-Family projects. Sections 22.10, 16, and 18 of the Land Use Ordinance establishes Development Standards. The proposed Tract Map and Conditional Use Permit meets all requirements as follows:

<u>Standard</u>	<u>Allowed/Required</u>	<u>Proposed</u>
Minimum Site Area	6,000 square feet	0.50 acres
Density	0.50 acres @ 6 units/acre (3 units)	3 units
Maximum Floor Area	10,454 square feet (48%)	5,556 square feet (26%)
Minimum Open Area	9,801 square feet (45%)	12,224 square feet (56%)
Setbacks Front Side Rear	May be set by map with minimum of 10 feet between all structures	Minimum of 10 feet between all structures; Front, Side, Rear - Variable, minimum 5 feet
Height	35 feet	25 feet
Parking	Resident - 6 spaces Guest - 1 space	Resident - 6 spaces Guest - 1 space

Quimby Fees

Title 21, the Real Property Division Ordinance, establishes an in-lieu fee for all new land divisions for the purpose of developing new, or rehabilitating existing, park or recreational facilities to serve the land division. Payment of the parkland fee for all undeveloped parcels is required prior to map recordation.

Affordable Housing Fees

Sections 18.07 et. seq of Title 18 of the County Code establishes a fee of 3.5% of the public facility fee for all new land divisions. This allows recognized affordable housing projects to be exempted from public facility fees.

Design Standards

The proposed parcels are consistent with the design criteria set forth in Chapter 3 of the Title 21 of the Real Property Division Ordinance.

PROJECT DESCRIPTION / SITE DESIGN

The proposed project is a multi-family planned development residential project consisting of three detached residences, each with a floor area of approximately 1,852 square feet, excluding garages. Individual units are accessed through a driveway within the common easement. Each 3-bedroom residence will be constructed with a two-car garage for resident parking. Additionally, one guest parking space will be provided within the common easement.

For residential projects in the Residential Multi-Family land use category, staff works with applicants to attain an appropriate and livable amount of common and private outdoor space for individual units. For this project, common open space is provided through a common open grass area in front of Lot 2 and which will include a picnic area. Private backyards will also be provided for each unit, which meet the equivalent of the private space required by the Planning Area Standards.

The architecture of individual structures is designed with Craftsman style elements. Exterior wall material is hardiplank siding with vinyl windows. Roofing material is composition shingle.

PLANNING AREA STANDARDS:

Section 22.12.020 Areawide Standards

22.12.020.A.2 – Groundwater recharge areas. New development shall incorporate natural drainage systems to aid groundwater recharge.

22.12.020.C – Circulation Planning:

1. Land divisions shall provide offers of dedication for public streets, bikeways and pathways.
2. Gross acreage may be utilized to calculate the allowable number of parcels.

As conditioned, the project meets these standards. Grande Avenue will be dedicated to county standards, which provide sufficient width for street and pathway improvements. The project meets the allowable density for the land use category. The project proposes to reconfigure the existing drainage basin for underground retention, which will also collect off-site runoff.

Section 22.112.080 Nipomo Urban Area Standards

22.112.080.A – Community-wide standards:

1. Connection to community sewers. New parcels within the Nipomo Urban Services Line shall be designed to provide for future connection to the community sewage system, except for low density residential areas.
2. Right-of-way requirements for residential categories. On all streets outside the central business district, an offer of dedication shall be made for parcels adjacent to public streets at the time of subdivision or new development, for a minimum 8-foot parkway between the curb and sidewalk. The area of dedication may be included in the net acreage calculation of allowable density. Landscaping improvements shall be provided and include a minimum of one street tree per 50 feet frontage and lawn or low-maintenance plants.

As proposed, the project meets the standard for sewer. Community sewer is anticipated through the Nipomo Community Services District. The project also meets the requirement to offer a minimum 8-foot parkway between the curb and sidewalk.

2-4

Section 22.112.080 Residential Multi-Family Standards

22.112.080.G – Residential Multi-Family:

1. Density limitations -.5 acres in size - 6 units per acre.
2. Permit requirement. Minor Use Permit required unless a Conditional Use Permit otherwise required. Approval shall ensure a lot pattern, including the possibility of clustering, to accommodate building sites that provide a varied distribution of buildings and articulated building layout with usable open space area and a gradation to adjacent neighborhoods and the freeway to maximize compatibility and mitigation of potential noise impacts.
3. Site planning criteria
 - a. Private outdoor space - Private outdoor space shall be provided with at least a 15-foot depth and width for ground floor units, and six-foot depth and 15-foot width for upstairs units.
 - b. Active recreation area - Common area open space shall include at least one usable, active recreation area with the following area and features for every number of dwelling units listed: - 4 units - 250 square feet - Table with benches, shade and playground equipment, for every 4 units.

As conditioned, the project meets these standards. The project, at 6 units/acre, meets the allowable maximum density for the land use category. The application includes a Conditional Use Permit, and the development proposed includes sufficient usable common open space area and private area. The development is sensitive to, and compatible with, adjacent development. Existing development to the east provides a barrier that minimizes the potential for noise impacts from Highway 101.

COMMUNITY ADVISORY GROUP COMMENTS: The Nipomo Community Advisory Group, at their regularly scheduled meeting on April 26, 2004, voted to support the Moore project with an objection to conversion of the retention basin into a residential parcel.

Staff response: For this project, staff is supportive of the conversion of the retention basin with the applicant's inclusion of underground retention for the site.

AGENCY REVIEW:

Public Works – Original concerns with minimum lot size, drainage calcs for new basin.

Recommend approval with stock conditions.

Environmental Health - Applicant has provided preliminary evidence of water and sewer.

Ag Commissioner – Less than significant impacts to agricultural resources or operations. See attached letter dated June 1, 2004.

County Parks - Pay applicable Quimby and Building Division fees and require attached trail along Grande Avenue frontage to A-1(x) standard.

CDF - See attached fire safety letter dated May 20, 2004.

APCD - Includes recommendations for dust control, demolition, developmental burning, naturally-occurring asbestos, and wood-burning devices.

NCSD – Intent to serve letter dated November 9, 2004 provided.

LEGAL LOT STATUS:

The existing lot was legally created by a recorded map at a time when that was a legal method of creating lots.

2-5

FINDINGS - EXHIBIT A

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on December 28, 2005 for this project. Mitigation measures are proposed to address agricultural resources, air quality geology and soils, noise, public service and utilities, recreation, transportation and circulation, and water, and are included as conditions of approval.

Tentative Map

- B. The proposed map is consistent with applicable county general and specific plans because it complies with applicable area plan standards and is being subdivided in a consistent manner with the Residential Multi-Family land use category.
- C. The proposed map is consistent with the county zoning and subdivision ordinances because the parcels meet the minimum parcel size set by the Land Use Ordinance and the design standards of the Real Property Division Ordinance.
- D. The design and improvement of the proposed subdivision are consistent with the applicable county general and specific plans because the required improvements will be completed consistent with county ordinance and conditions of approval and the design of the parcels meets applicable policies of the general plan and ordinances
- E. The site is physically suitable for the type of development proposed because the proposed parcels contain adequate area for development of multi-family residences.
- F. The site is physically suitable for the proposed density of the development proposed because the site can adequately support multi-family residences.
- G. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because no rare, endangered or sensitive species are present; and mitigation measures for air quality, geology and soils, public services / utilities, recreation, transportation/circulation, wastewater, and water are required.
- H. The design of the subdivision or the type of improvement will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
- I. The proposed map complies with Section 66474.6 of the State Subdivision Map Act, as to methods of handling and discharge of waste.

CONDITIONS - EXHIBIT B

Approved Project

1. A Tentative Tract Map and Conditional Use Permit to allow for the subdivision of a 0.50-acre parcel into three parcels and construction of three residences as a planned development. The proposed residential parcels range in size from approximately 7,029 to 7,435 square feet each. The proposed residences would be two-story, include an attached garage, and are 1,852 square feet each. The proposal includes a common area on proposed Parcel 2. The proposed project would result in the disturbance of 0.50 acre.

Access and Improvements

2. Roads and/or streets to be constructed to the following standards:
 - a. Grande Avenue widened to complete an A-2 section fronting the property, including parkways as shown on typical section on the tentative map.
 - b. A trail along the Grande Avenue frontage to the County's A-1(x) standard.
3. A private easement be reserved on the map for access to parcels 1 through 3.
4. All grading shall be done in accordance with Appendix 33 of the Uniform Building Code. All lot lines shall be considered as Site Area Boundaries with slopes setback accordingly.

Improvement Plans

5. Improvement plans shall be prepared in accordance with San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plan is to include:
 - a. Street plan and profile.
 - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - c. Water plan (County Health).
 - d. Sewer plan (County Health).
 - e. Grading and erosion control plan for subdivision related improvement locations.
 - f. Public utility plan, showing all existing utilities and installation of all utilities to serve every lot.
 - g. Landscaped parkway in accordance with Section 22.112.080(A)(2) of the Land Use Ordinance.
6. The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.
7. The Registered Civil Engineer, upon completion of the improvements, must certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the

approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.

Drainage

8. Submit complete drainage calculations to the Department of Public Works for review and approval.
9. If calculations so indicate, drainage must be retained/detained in a drainage basin on the property. The design of the basin to be approved by the Department of Public Works, in accordance with county standards.
10. If a drainage basin is required, the drainage basin along with rights of ingress and egress be:
 - a. offered for dedication to the public by certificate on the map with an additional easement reserved in favor of the owners and assigns.
11. The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program. Provide the WDID# to County Public Works.

Utilities

12. Electric and telephone lines shall be installed underground.
13. Cable T.V. conduits shall be installed in the street.
14. Gas lines shall be installed.

Vector Control and Solid Waste

15. A determination of method of pick-up shall be specified by the waste handler and if centralized facilities for the pick-up are required, provisions shall be made within the project for central facilities that meet Land Use Ordinance requirements for trash enclosures. If centralized facilities are established, this shall include provisions for recycling if service is available or subsequent installation of such facilities if recycling service becomes available in the future.

Fire Protection

16. The applicant shall obtain a fire safety clearance letter from the California Department of Forestry (CDF)/County Fire Department establishing fire safety requirements prior to filing the final parcel or tract map per CDF letter dated May 20, 2004.

Parks and Recreation (Quimby) Fees

17. Unless exempted by Chapter 21.09 of the county Real Property Division Ordinance or California Government Code section 66477, prior to filing of the final parcel or tract map, the applicant shall pay the in-lieu" fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee shall be based on the total number of new parcels or remainder parcels shown on the map that do not already have legal residential units on them.

2-8

Affordable Housing Fee

18. **Prior to filing the final parcel or tract map**, the applicant shall pay an affordable housing fee of 3.5 percent of the adopted public facility fee effective at the time of recording for each residential lot. This fee shall not be applicable to any official recognized affordable housing included within the residential project.

Easements

19. A common open space easement be recorded for the common area. It is to be held in common by the Homeowner's Association. The open space parcel is to be maintained as such in perpetuity.

Services

20. **Prior to recordation of the final map**, the applicant shall submit a final "will-serve" letter from the Nipomo Community Services District to the Department of Environmental Health.
21. **Prior to recordation of the final map**, the applicant shall construct an A-1(x) trail along the Grande Avenue frontage of the project.
22. **Prior to recordation of the final map**, the applicant shall submit a final "will-serve" letter from the Nipomo Community Services District to the Environmental Health Division.

Additional Map Sheet

23. The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:
- a. Notification of supplemental supplemental disclosure to purchasers of these properties concerning the nature of the neighboring agricultural activities and hours of operation and the County's Right to Farm Ordinance.
 - b. Show that the existing eight-foot masonry wall along the entire length of the western property boundary of each proposed parcel shall be maintained and not removed.
 - c. **Prior to issuance of construction permits**, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:
 - i. Reduce the amount of the disturbed area where possible.
 - ii. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible.
 - iii. All dirt stock-pile areas should be sprayed daily as needed.
 - iv. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible.
 - v. Building pads should be laid as soon as possible after grading unless seeding or soil binders are used.

- d. **Prior to issuance of building permits**, in the instance wood burning stoves are proposed, the applicant shall submit building plans showing the use of APCD-approved wood burning devices limited to the following:
 - i. All EPA-Certified Phase II wood burning devices;
 - ii. Catalytic wood burning devices that emit less than or equal to 4.1 grams per hour of particulate matter that are not EPA-Certified but have been verified by a nationally-recognized testing lab;
 - iii. Non-catalytic wood burning devices that limit less than or equal to 7.5 grams per hour of particulate matter that are not EPA-Certified but have been verified by a nationally-recognized testing lab;
 - iv. Pellet-fueled woodheaters, and;
 - v. Dedicated gas-fired fireplaces.
- e. **Prior to issuance of construction permits**, the applicant shall pay applicable South County Road Improvement fees.
- f. **Prior to issuance of building permits**, construction plans shall include indoor water conservation measures including: low water-use toilets, showerheads, and faucets; automatic shut-off devices for bathroom and kitchen faucets; and point-of-use supplemental water heater systems or circulating hot water systems in bathrooms and kitchen. Landscape plans for the proposed parcels must include outdoor conservation measures including: limited landscape area, low water-use plant materials, limited turf area, soil moisture sensors, and drip irrigation systems.
- g. **Prior to final inspection**, for structures where the pipe from the hot water heater to any faucet is greater than 20 feet in length, apply one or more of the following: 1) install a hot water pipe circulating system for entire structure; 2) install "point-of-use" water heater "boosters" near all hot water faucets (that are greater than 20 linear pipe feet from water heater), or 3) use the narrowest pipe possible (e.g., from 1" to ½" diameter). Prior to permit issuance, the measure(s) to be used shall be shown on all applicable plumbing plans.
- h. **During construction/ground disturbing activities**, the applicant shall implement the following particulate (dust) control measures. These measures shall be shown on the grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to commencement of construction.
 - i. Reduce the amount of disturbed area where possible,
 - ii. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible.
 - iii. All dirt stockpile areas should be sprayed daily as needed.
 - iv. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible.
 - v. Building pads should be laid as soon as possible after grading unless seeding or soil binders are used.

2-10

- vi. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top load and top of trailer) in accordance with CVC Section 23114.
 - vii. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.
 - viii. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.
- i. **Prior to issuance of demolition permits**, the applicant shall contact the APCD and comply with the requirements listed in the National Emission Standard for Hazardous Air Pollutants (NESHAP). These requirements include, but are not limited to: 1) notification requirements to the APCD, 2) asbestos survey conducted by a Certified Asbestos Inspector, and 3) applicable removal and disposal requirements of identified asbestos containing material (ASM).
- j. **Prior to issuance of grading and construction permits for both road improvements and individual lot development**, the applicant shall submit the results of a geologic evaluation conducted to determine if naturally occurring asbestos is present within the area proposed for disturbance. If naturally occurring asbestos is not present, an exemption request shall be filed with the APCD. If naturally occurring asbestos is present, the Parks Division shall comply with all requirements outlined in the Asbestos Air Toxics Control Measure (ATCM). Compliance may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for APCD approval.
- k. In the event no technically feasible alternatives are available other than developmental burning, the applicant shall contact the APCD and California Department of Forestry to obtain a burn permit and comply with permit requirements.
- l. **Prior to issuance of building permits**, construction plans must include indoor water conservation measures including: low water-use toilets, showerheads, and faucets; automatic shut-off devices for bathroom and kitchen faucets; and point-of-use supplemental water heater systems or circulating hot water systems in bathrooms and kitchen. Landscape plans for the proposed parcels must include outdoor conservation measures including: limited landscape area, low water-use plant materials, limited turf area, soil moisture sensors, and drip irrigation systems.
- m. **Prior to final inspection**, for structures where the pipe from the hot water heater to any faucet is greater than 20 feet in length, apply one or more of the following: 1) install a hot water pipe circulating system for entire structure; 2) install "point-of-use" water heater "boosters" near all hot water faucets (that are greater than 20 linear pipe feet from water heater), or 3) use the narrowest pipe possible (e.g., from 1" to ½" diameter). **Prior to permit issuance**, the measure(s) to be used shall be shown on all applicable plumbing plans.

Covenants, Conditions and Restrictions

24. The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval. The CC&R's shall provide at a minimum the following provisions:
- a. On-going maintenance of drainage basin / adjacent landscaping in a viable condition on a continuing basis into perpetuity.

2-11

- b. Maintenance of common areas.
- c. Notification of supplemental supplemental disclosure to purchasers of these properties concerning the nature of the neighboring agricultural activities and hours of operation and the County's Right to Farm Ordinance.
- d. Show that the existing eight-foot masonry wall along the entire length of the western property boundary of each proposed parcel shall be maintained and not removed.
- e. **Prior to issuance of construction permits**, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:
 - i. Reduce the amount of the disturbed area where possible.
 - ii. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible.
 - iii. All dirt stock-pile areas should be sprayed daily as needed.
 - iv. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible.
 - v. Building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- f. **Prior to issuance of building permits**, in the instance wood burning stoves are proposed, the applicant shall submit building plans showing the use of APCD-approved wood burning devices limited to the following:
 - i. All EPA-Certified Phase II wood burning devices;
 - ii. Catalytic wood burning devices that emit less than or equal to 4.1 grams per hour of particulate matter that are not EPA-Certified but have been verified by a nationally-recognized testing lab;
 - iii. Non-catalytic wood burning devices that limit less than or equal to 7.5 grams per hour of particulate matter that are not EPA-Certified but have been verified by a nationally-recognized testing lab;
 - iv. Pellet-fueled woodheaters, and;
 - v. Dedicated gas-fired fireplaces.
- g. **Prior to issuance of construction permits**, the applicant shall pay applicable South County Road Improvement fees.
- h. **Prior to issuance of building permits**, construction plans shall include indoor water conservation measures including: low water-use toilets, showerheads, and faucets; automatic shut-off devices for bathroom and kitchen faucets; and point-of-use supplemental water heater systems or circulating hot water systems in bathrooms and kitchen. Landscape plans for the proposed parcels must include outdoor conservation measures including: limited landscape area, low water-use plant materials, limited turf area, soil moisture sensors, and drip irrigation systems.
- i. **Prior to final inspection**, for structures where the pipe from the hot water heater to any faucet is greater than 20 feet in length, apply one or more of the following: 1) install a hot water pipe circulating system for entire structure; 2) install "point-of-use" water heater "boosters" near all hot water faucets (that are greater than 20 linear

2-12

pipe feet from water heater), or 3) use the narrowest pipe possible (e.g., from 1" to ½" diameter). Prior to permit issuance, the measure(s) to be used shall be shown on all applicable plumbing plans.

- j. **During construction/ground disturbing activities**, the applicant shall implement the following particulate (dust) control measures. These measures shall be shown on the grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to commencement of construction.
 - i. Reduce the amount of disturbed area where possible,
 - ii. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible.
 - iii. All dirt stockpile areas should be sprayed daily as needed.
 - iv. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible.
 - v. Building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
 - vi. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top load and top of trailer) in accordance with CVC Section 23114.
 - vii. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.
 - viii. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.
- k. **Prior to issuance of demolition permits**, the applicant shall contact the APCD and comply with the requirements listed in the National Emission Standard for Hazardous Air Pollutants (NESHAP). These requirements include, but are not limited to: 1) notification requirements to the APCD, 2) asbestos survey conducted by a Certified Asbestos Inspector, and 3) applicable removal and disposal requirements of identified asbestos containing material (ASM).
- l. **Prior to issuance of grading and construction permits for both road improvements and individual lot development**, the applicant shall submit the results of a geologic evaluation conducted to determine if naturally occurring asbestos is present within the area proposed for disturbance. If naturally occurring asbestos is not present, an exemption request shall be filed with the APCD. If naturally occurring asbestos is present, the Parks Division shall comply with all requirements outlined in the Asbestos Air Toxics Control Measure (ATCM). Compliance may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for APCD approval.
- m. In the event no technically feasible alternatives are available other than developmental burning, the applicant shall contact the APCD and California Department of Forestry to obtain a burn permit and comply with permit requirements.

- n. **Prior to issuance of building permits**, construction plans must include indoor water conservation measures including: low water-use toilets, showerheads, and faucets; automatic shut-off devices for bathroom and kitchen faucets; and point-of-use supplemental water heater systems or circulating hot water systems in bathrooms and kitchen. Landscape plans for the proposed parcels must include outdoor conservation measures including: limited landscape area, low water-use plant materials, limited turf area, soil moisture sensors, and drip irrigation systems.
- o. **Prior to final inspection**, for structures where the pipe from the hot water heater to any faucet is greater than 20 feet in length, apply one or more of the following: 1) install a hot water pipe circulating system for entire structure; 2) install "point-of-use" water heater "boosters" near all hot water faucets (that are greater than 20 linear pipe feet from water heater), or 3) use the narrowest pipe possible (e.g., from 1" to ½" diameter). **Prior to permit issuance**, the measure(s) to be used shall be shown on all applicable plumbing plans.

Miscellaneous

- 25. This subdivision is also subject to the standard conditions of approval for all subdivisions using community water and sewer, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.
- 26. All timeframes on approved tentative maps for filing of final parcel or tract maps are measured from the date the Review Authority approves the tentative map, not from any date of possible reconsideration action.

2-14

FINDINGS - EXHIBIT C

Conditional Use Permit SUB2003-00128 (Moore)

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on December 28, 2005 for this project. Mitigation measures are proposed to address agricultural resources, air quality geology and soils, noise, public service and utilities, recreation, transportation and circulation, and water, and are included as conditions of approval.

Conditional Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the multi-family residential project does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the multi-family residential project is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Butterfly Lane, a local road constructed to a level able to handle any additional traffic associated with the project.

2-15

EXHIBIT D - CONDITIONS OF APPROVAL

Conditional Use Permit SUB2003-00128

Approved Development

1. This approval authorizes
 - a. A multi-family residential development on a 0.50 acre parcel to construct three multi-family residences.
 - b. Maximum height is 35 from average natural grade.

Subdivision Related Approvals

2. This approval authorizes a planned development/subdivision of a 0.50 acre parcel into 3 parcels for the construction of 3 residences and one common area easement, consistent with the Tentative Tract Map 2634.
3. This approval is effective for a period of 24 months from the date of the approval of the tentative map by the Planning Commission. Conditional Use time extensions shall run concurrently with the Tentative Map time extensions thereafter, until expiration of the Tentative Map. Time extensions for the Tentative Map must be requested by the applicant or agent and are subject to further review.
4. Any significant revisions in the Tentative Map not authorized by this approval shall require reconsideration by the Planning Commission.

Conditions required to be completed at the time of application for construction permits

Site Development

5. **At the time of application for construction permits** plans submitted shall show all development consistent with the approved site plan, floor plan, architectural elevations and landscape plan.
6. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

Fire Safety

7. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the CDF/County Fire Department for this proposed project and dated March 15, 2005.

Services

8. **At the time of application for construction permits**, the applicant shall provide a letter from Nipomo Community Services District stating they are willing and able to service the property.

Grading, Drainage, Sedimentation and Erosion Control

9. **At the time of application for construction permits**, the applicant shall submit a drainage plan for review and approval by the County Public Works Department. The plan shall contain, at a minimum:
- a. Complete drainage calculations for county Public Works review and approval.
 - b. Retention / Detention of drainage in an on-site basin designed in accordance with county standards and approved by the county Public Works.
 - c. All runoff from impervious surfaces such as roofs, driveways, walks, patios, decks, shall be collected and detained on-site, or passed on through an effective erosion control device or drainage system approved by the County Engineer.
 - d. Permanent erosion control devices shall be installed prior to or concurrently with on-site grading activities.
 - e. Grading, filling or site disturbance of existing soil and vegetation shall be limited to the minimum areas necessary.
 - f. Stockpiles and other disturbed soils shall be protected from rain and erosion by plastic sheets or other covering.

Conditions to be completed prior to issuance of a construction permit

Fees

10. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

Mitigations

11. Notification of supplemental supplemental disclosure to purchasers of these properties concerning the nature of the neighboring agricultural activities and hours of operation and the County's Right to Farm Ordinance.
12. **Prior to issuance of construction permits**, the following shall be shown on all applicable plans: Show that the existing eight-foot masonry wall along the entire length of the western property boundary of each proposed parcel shall be maintained and not removed.
13. **Prior to issuance of construction permits**, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:
- a. Reduce the amount of the disturbed area where possible.
 - b. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible.
 - c. All dirt stock-pile areas should be sprayed daily as needed.
 - d. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible.
 - e. Building pads should be laid as soon as possible after grading unless seeding or soil binders are used.

2-17

14. **Prior to issuance of building permits**, in the instance wood burning stoves are proposed, the applicant shall submit building plans showing the use of APCD-approved wood burning devices limited to the following:
 - a. All EPA-Certified Phase II wood burning devices;
 - b. Catalytic wood burning devices that emit less than or equal to 4.1 grams per hour of particulate matter that are not EPA-Certified but have been verified by a nationally-recognized testing lab;
 - c. Non-catalytic wood burning devices that limit less than or equal to 7.5 grams per hour of particulate matter that are not EPA-Certified but have been verified by a nationally-recognized testing lab;
 - d. Pellet-fueled woodheaters, and;
 - e. Dedicated gas-fired fireplaces.
15. **Prior to issuance of construction permits**, the applicant shall pay applicable South County Road Improvement fees.
16. **Prior to issuance of building permits**, construction plans shall include indoor water conservation measures including: low water-use toilets, showerheads, and faucets; automatic shut-off devices for bathroom and kitchen faucets; and point-of-use supplemental water heater systems or circulating hot water systems in bathrooms and kitchen. Landscape plans for the proposed parcels must include outdoor conservation measures including: limited landscape area, low water-use plant materials, limited turf area, soil moisture sensors, and drip irrigation systems.
17. **During construction/ground disturbing activities**, the applicant shall implement the following particulate (dust) control measures. These measures shall be shown on the grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to commencement of construction.
 - a. Reduce the amount of disturbed area where possible,
 - b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible.
 - c. All dirt stockpile areas should be sprayed daily as needed.
 - d. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible.
 - e. Building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
 - f. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top load and top of trailer) in accordance with CVC Section 23114.
 - g. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.
 - h. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.
18. **Prior to issuance of demolition permits**, the applicant shall contact the APCD and comply with the requirements listed in the National Emission Standard for Hazardous Air

Pollutants (NESHAP). These requirements include, but are not limited to: 1) notification requirements to the APCD, 2) asbestos survey conducted by a Certified Asbestos Inspector, and 3) applicable removal and disposal requirements of identified asbestos containing material (ASM).

19. **Prior to issuance of grading and construction permits for both road improvements and individual lot development**, the applicant shall submit the results of a geologic evaluation conducted to determine if naturally occurring asbestos is present within the area proposed for disturbance. If naturally occurring asbestos is not present, an exemption request shall be filed with the APCD. If naturally occurring asbestos is present, the Parks Division shall comply with all requirements outlined in the Asbestos Air Toxics Control Measure (ATCM). Compliance may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for APCD approval.
20. In the event no technically feasible alternatives are available other than developmental burning, the applicant shall contact the APCD and California Department of Forestry to obtain a burn permit and comply with permit requirements.
21. **Prior to issuance of building permits**, construction plans must include indoor water conservation measures including: low water-use toilets, showerheads, and faucets; automatic shut-off devices for bathroom and kitchen faucets; and point-of-use supplemental water heater systems or circulating hot water systems in bathrooms and kitchen. Landscape plans for the proposed parcels must include outdoor conservation measures including: limited landscape area, low water-use plant materials, limited turf area, soil moisture sensors, and drip irrigation systems.

Conditions to be completed prior to occupancy or final building inspection /establishment of the use

22. **Prior to final inspection**, for structures where the pipe from the hot water heater to any faucet is greater than 20 feet in length, apply one or more of the following: 1) install a hot water pipe circulating system for entire structure; 2) install "point-of-use" water heater "boosters" near all hot water faucets (that are greater than 20 linear pipe feet from water heater), or 3) use the narrowest pipe possible (e.g., from 1" to ½" diameter). Prior to permit issuance, the measure(s) to be used shall be shown on all applicable plumbing plans.
23. **Prior to final inspection**, for structures where the pipe from the hot water heater to any faucet is greater than 20 feet in length, apply one or more of the following: 1) install a hot water pipe circulating system for entire structure; 2) install "point-of-use" water heater "boosters" near all hot water faucets (that are greater than 20 linear pipe feet from water heater), or 3) use the narrowest pipe possible (e.g., from 1" to ½" diameter). **Prior to permit issuance**, the measure(s) to be used shall be shown on all applicable plumbing plans.
24. Landscaping in accordance with the approved landscaping plan shall be installed or bonded for before final building inspection. If bonded for, landscaping shall be installed within 60 days after final building inspection. All landscaping shall be maintained in a viable condition in perpetuity.
25. **Prior to occupancy or final inspection**, whichever ever occurs first, the applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.

2-19

26. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

On-going conditions of approval (valid for the life of the project)

27. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.

2-20

STANDARD CONDITIONS OF APPROVAL FOR
SUBDIVISIONS USING COMMUNITY WATER AND SEWER

1. Community water and fire protection shall be obtained from the community water system.
2. Operable water facilities from an approved community water source shall be assured prior to the filing of the final map. A "final will serve" letter shall be obtained and submitted to the county Health Department for review and approval stating there are operable water facilities immediately available for connection to the parcels created. Water main extensions, laterals to each parcel and related facilities (except well(s)) may be bonded for subject to the approval of county Public Works, the county Health Department and the public water utility.
3. No residential building permits are to be issued until the community (public) water system is operational with a domestic water supply permit issued by the county Health Officer.
4. In order to protect the public safety and prevent possible groundwater pollution, any abandoned wells on the property shall be destroyed in accordance with the San Luis Obispo County Well Ordinance Chapter 8.40, and county Health Department destruction standards. The applicant is required to obtain a permit from the county Health Department.
5. When a potentially operational or operational auxiliary water supply in the form of an existing well(s) is located on the parcels created and approved community water is proposed to serve the parcels, the community water supply shall be protected from real or potential cross-contamination by means of an approved cross-connection control device installed at the meter or property line service connection prior to occupancy. (Chapter 8.30, San Luis Obispo County Ordinance)
6. Sewer service shall be obtained from the community sewage disposal system.
7. Prior to the filing of the map a "final will serve" letter be obtained and submitted to the county Health for review and approval stating that community sewer system service is immediately available for connection to the parcels created. Sewer main extensions may be bonded for, subject to the approval of county Public Works and sewer district.
8. No residential building permits shall be issued until community sewers are operational and available for connection.
9. An encroachment permit shall be obtained from county Public Works for any work to be done within the county right-of-way.
10. An encroachment permit shall be obtained from the California Department of Transportation for any work to be done on the state highway.
11. Any existing reservoir or drainage swale on the property shall be delineated on the map.
12. Prior to submission of the map "checkprints" to county Public Works, the project shall be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.

2-21

13. Required public utility easements shall be shown on the map.
14. Approved street names shall be shown on the map.
15. The applicant shall comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area by the subdivision of land proposed.
16. The developer shall submit a preliminary subdivision guarantee to county Public Works for review prior to the filing of the map.
17. Any private easements on the property shall be shown on the map with recording data.
18. All conditions of approval herein specified, unless otherwise noted, shall be complied with prior to the filing of the map.
19. After approval by the Review Authority, compliance with the preceding conditions will bring the proposed subdivision in conformance with the Subdivision Map Act and county ordinances.
20. A map shall be filed in accordance with Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots proposed by the subdivision.
21. A tentative map will expire 24 months from the effective date of the approval. Tentative maps may be extended. Written requests with appropriate fees must be submitted to the Planning Department prior to the expiration date. The expiration of tentative maps will terminate all proceedings on the matter.

Staff report prepared by Brian Pedrotti
and reviewed by Kami Griffin



2-22

COUNTY OF SAN LUIS OBISPO
MITIGATED NEGATIVE DECLARATION & NOTICE OF DETERMINATION

FOR OFFICIAL USE ONLY (BP)

ENVIRONMENTAL DETERMINATION NO. ED04-501

DATE: January 12, 2006

PROJECT/ENTITLEMENT: Moore Tract Map and Conditional Use Permit SUB2003-00128

APPLICANT NAME: Ken Moore

ADDRESS: PO Box 1324, Nipomo, CA, 93444

CONTACT PERSON: Omni Design Group

Telephone: 805-544-9700

PROPOSED USES/INTENT: Request by Ken Moore to allow for 1) a planned development, 2) subdivision of an approximate 0.50-acre parcel into three parcels ranging from 7,029 to 7,425 square feet each, and 3) allow for grading and construction of three residences, which will result in the disturbance of the entire parcel.

LOCATION: The proposed project is within the within the Residential Multi-family land use category, and is located on the south side of Grande Avenue, approximately 100 feet west of Butterfly Lane, in the community of Nipomo, in the South County (Inland) Area Plan.

LEAD AGENCY: County of San Luis Obispo Department of Planning & Building
County Government Center, Rm. 310
San Luis Obispo, CA 93408-2040

OTHER POTENTIAL PERMITTING AGENCIES: None

ADDITIONAL INFORMATION: Additional information pertaining to this environmental determination may be obtained by contacting the above Lead Agency address or (805) 781-5600.

COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT 5 p.m. on January 26, 2006

30-DAY PUBLIC REVIEW PERIOD begins at the time of public notification

Notice of Determination

State Clearinghouse No. _____

This is to advise that the San Luis Obispo County _____ as ☐ *Lead Agency*
☐ *Responsible Agency* approved/denied the above described project on _____, and has made the following determinations regarding the above described project:

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures were made a condition of the approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at:

Department of Planning and Building, County of San Luis Obispo,
County Government Center, Room 310, San Luis Obispo, CA 93408-2040

Brian Pedrotti

County of San Luis Obispo

Signature

Project Manager Name

Date

Public Agency

2-23

**CALIFORNIA DEPARTMENT OF FISH AND GAME
CERTIFICATE OF FEE EXEMPTION**

De Minimis Impact Finding

PROJECT TITLE & NUMBER: Moore Tract Map and Conditional Use Permit; SUB2003-00128

Project Applicant

Name: Ken Moore
Address: P.O. Box 1324
City, State, Zip Code: Nipomo, CA 93444
Telephone #: (805) 709-1710

PROJECT DESCRIPTION/LOCATION: See attached Notice of Determination


FINDINGS OF EXEMPTION:

There is no evidence before this agency that the proposed project has the potential for adverse effect on wildlife resources for one or more of the following reason(s):

- (X) The project is located in an urbanized area that does not contain substantial fish or wildlife resources or their habitat.
- () The project is located in a highly disturbed area that does not contain substantial fish or wildlife resources or their habitat.
- () The project is of a limited size and scope and is not located in close proximity to significant wildlife habitat.
- () The applicable filing fees have/will be collected at the time of issuance of other County approvals for this project. Reference Document Name and No. _____
- () Other: _____

CERTIFICATION:

I hereby certify that the lead agency has made the above findings of fact and that, based upon the initial study and the hearing record, the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.


Ellen Carroll, Environmental Coordinator
County of San Luis Obispo

Date: 1-12-06

2-24



**COUNTY OF SAN LUIS OBISPO
INITIAL STUDY SUMMARY - ENVIRONMENTAL CHECKLIST**

Project Title & No. Moore Tract Map and Conditional Use Permit SUB2003-00128;
ED 04-501

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

<input type="checkbox"/> Aesthetics	<input checked="" type="checkbox"/> Geology and Soils	<input checked="" type="checkbox"/> Recreation
<input checked="" type="checkbox"/> Agricultural Resources	<input type="checkbox"/> Hazards/Hazardous Materials	<input checked="" type="checkbox"/> Transportation/Circulation
<input checked="" type="checkbox"/> Air Quality	<input checked="" type="checkbox"/> Noise	<input type="checkbox"/> Wastewater
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Population/Housing	<input checked="" type="checkbox"/> Water
<input type="checkbox"/> Cultural Resources	<input checked="" type="checkbox"/> Public Services/Utilities	<input type="checkbox"/> Land Use

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

- ☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Brian Pedrotti
Prepared by (Print)

B.D. Pedrotti
Signature

12/28/05
Date

John Nall
Reviewed by (Print)

John Nall
Signature

Ellen Carroll,
Environmental Coordinator
(for) 12/28/05
Date

Project Environmental Analysis

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The Environmental Division uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, Rm. 310, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

A. PROJECT

DESCRIPTION: Proposal by Ken Moore for a Tentative Tract Map and Conditional Use Permit to allow for the subdivision of a 0.50-acre parcel into three parcels and construction of three residences as a planned development. The proposed residential parcels range in size from approximately 7,029 to 7,435 square feet each. The proposed residences would be two-story, include an attached garage, and are 1,852 square feet each. The proposal includes a common area on proposed Parcel 2. The proposed project would result in the disturbance of 0.50 acre. The project site is located on the south side of Grande Avenue, approximately 100 feet west of Butterfly Lane, in the community of Nipomo, in the South County (Inland) Area Plan.

ASSESSOR PARCEL NUMBER(S): 092-142-037

SUPERVISORIAL DISTRICT # 4

B. EXISTING SETTING

PLANNING AREA: South County (Inland), Nipomo

LAND USE CATEGORY: Residential Multi-Family

COMBINING DESIGNATION(S): None

EXISTING USES: Residence ; Drainage basin

TOPOGRAPHY: Nearly level

VEGETATION: Grasses

PARCEL SIZE: 0.50 acres

SURROUNDING LAND USE CATEGORIES AND USES:

<i>North:</i> Residential Multi-Family; undeveloped	<i>East:</i> Residential Multi-Family; single-family residences
<i>South:</i> Residential Single Family; single-family residence	<i>West:</i> Agriculture; nursery operations

C. ENVIRONMENTAL ANALYSIS

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.

**COUNTY OF SAN LUIS OBISPO
INITIAL STUDY CHECKLIST**

1.	AESTHETICS - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a)	Create an aesthetically incompatible site open to public view?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Introduce a use within a scenic view open to public view?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Change the visual character of an area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Create glare or night lighting, which may affect surrounding areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	Impact unique geological or physical features?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f)	Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The proposed project site is located on the south side of Grande Avenue, approximately 100 feet west of Butterfly Lane, in the community of Nipomo (refer to Figures 1 and 2). The topography of the project site is nearly level. Surrounding development includes single-family residences to the east and south, vacant land to the north, and a greenhouse operation to the west. Development of the proposed parcels will be consistent with the surrounding residential properties.

Impact. Based on the existing residential character of the immediate area and application of existing planning area standards, implementation of the proposed development would not result in significant impacts to visual impacts.

Mitigation/Conclusion. No mitigation measures are necessary.

2.	AGRICULTURAL RESOURCES - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a)	Convert prime agricultural land to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Impair agricultural use of other property or result in conversion to other uses?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2-27

2. AGRICULTURAL RESOURCES

- Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
c) Conflict with existing zoning or Williamson Act program?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The soil types include: (coastal) Oceano sand (0-9%)

As described in the Natural Resource Conservation Service Soil Survey, the "non-irrigated" soil class is "VI" , and the "irrigated soil class is "IV".

Impact. The project is located in a predominantly non-agricultural area with the exception of the adjacent greenhouses to the west of the project site. The project was referred to the Agricultural Commissioners office, which identified less than significant impacts on adjacent greenhouse operation with development of the proposed residences and recommended mitigation measures to protect both proposed residences and the existing greenhouse operation.

Mitigation/Conclusion. The Agricultural Commissioners office has recommended 1) maintaining of the existing eight-foot masonry wall along the entire length of the western property boundary of the existing parcel; and 2) provision of a supplemental disclosure to purchasers of the properties concerning the nature of the neighboring agricultural activities and hours of operation (see attached referral response dated June 1, 2004). These mitigation measures have been included in the developer's statement and will become conditions of approval of the map. These measures will reduce potential impacts to a level of insignificance

3. AIR QUALITY - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Expose any sensitive receptor to substantial air pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Create or subject individuals to objectionable odors?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be inconsistent with the District's Clean Air Plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The Air Pollution Control District has developed the CEQA Air Quality Handbook to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. To evaluate long-term emissions, cumulative effects, and

establish countywide programs to reach acceptable air quality levels, a Clean Air Plan has been adopted (prepared by APCD).

Asbestos. Asbestos is considered a toxic air contaminant by the State Air Resources Board. Asbestos-containing materials can be encountered during demolition of existing buildings and the removal or relocation of utility lines. In addition, the project site is located in an area potentially naturally occurring asbestos, serpentine or ultramafic rock. Asbestos is considered a toxic air contaminant by the State Air Resources Board. If asbestos is present within the soil underlying the project site, future grading and site disturbance activities would release the asbestos into the air, resulting in a potentially significant air quality impact.

Developmental Burning. On February 5, 2000, the APCD prohibited developmental burning of vegetative material within San Luis Obispo County; however, in certain situations where no technically feasible alternative is available, limited burning under restrictions may be allowed. Unregulated burning would result in a potentially significant air quality impact.

Fugitive Dust (PM₁₀). Implementation of the proposed project would result in the generation of dust, potentially affecting local residents and businesses in close proximity to the project site. Dust complaints could result in violation of the APCD's nuisance rules, a potentially significant air quality impact.

Wood Combustion. Only APCD-approved wood burning devices may be installed in new residential dwelling units.

Impact. As proposed, the project will result in the disturbance of the entire 0.5 acre parcel. This will result in the creation of construction dust, as well as short- and long-term vehicle emissions. Based on Table 1-1 of the CEQA Air Quality Handbook, the project will result in less than 10 lbs./day of pollutants, which is below thresholds warranting any mitigation. The project is consistent with the general level of development anticipated and projected in the Clean Air Plan. In addition, each new residence will be subject to the South County Air Quality Mitigation fee, which is intended to partially mitigate the cumulative effects of new residential development within the South County planning area. This program funds several strategies within the South County to improve air quality and reduce single-occupant vehicles, by: attracting transit ridership through regional bus stop improvements; replacement of old diesel school buses, encouraging carpooling through park-and-ride lot improvements and ridesharing advertising; promoting the use of bicycles through bike lane installation; reducing dust through limited road paving of several unpaved roads; and by providing electronic information/services locally to reduce vehicle trip lengths.

Asbestos. The applicant is required to contact the APCD to identify requirements associated with building removal and the potential for presence of asbestos. Also, to ensure that naturally- occurring asbestos is not released into the air during grading and site disturbance activities associated with the proposed project, the applicant is required to conduct a geologic investigation to determine if asbestos is present, or provide a waiver of these requirements from the APCD. If asbestos is present, the applicant would comply with Asbestos Air Toxin Control Measures for Construction, Grading, Quarrying, and Surface Mining Operations. These requirements include, but are not limited to implementation of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program.

Developmental Burning. To minimize the effects of vegetative burning on regional air quality, the applicant is required by regulation to avoid burning, or if no alternative is available, obtain a burn permit from the APCD and County Fire/California Department of Forestry, and comply with all conditions required by these agencies.

Fugitive Dust (PM₁₀). To minimize nuisance dust impacts, the applicant is required to implement APCD fugitive dust mitigation measures including reducing the amount of disturbed area where

possible, the use of water trucks or sprinkler systems to water down airborne dust, daily spraying of dirt stock-pile areas, paving of applicable surfaces as soon as possible after grading, laying of building pads as soon as possible.

Wood Combustion. The applicant has agreed to install only APCD approved wood burning devices in proposed new dwelling units.

As mentioned in the Agricultural Resources section, the site is adjacent to an existing greenhouse operation which could cause odors and dust for neighboring properties. Mitigation for these impacts are discussed in the Agricultural Resources section.

Mitigation/Conclusion. No further mitigation measures are necessary other than dust control measures during construction, payment of the South County Air Quality Mitigation fee, mitigation for asbestos, and the measures listed in the Agricultural Resources section of this document.

4. BIOLOGICAL RESOURCES - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in a loss of unique or special status species or their habitats?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce the extent, diversity or quality of native or other important vegetation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Impact wetland or riparian habitat?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Introduce barriers to movement of resident or migratory fish or wildlife species, or factors, which could hinder the normal activities of wildlife?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The following habitats were observed on the proposed project: Grasses Based on the latest California Diversity database and other biological references, the following species or sensitive habitats were identified:

Plants: Sand Mesa (shagbark) manzanita (*A. rudis*) app. 0.8 mile west and 0.9 mile north.

Wildlife: Potential vernal pool fairy shrimp (*Branchinecta lynchi*)

Habitats: Potential vernal pool fairy shrimp (*Branchinecta lynchi*)

Impact. A site visit of the project site was made on April 1, 2004 by Brian Pedrotti, County Planner to identify the potential for vernal pool habitat and/or listed plant and fairy shrimp species. At this time, no evidence of vernal pools or potential areas for ponded water was observed. Existing development and previous ground disturbance in the form of landscaping and gardening preclude the possibility of vernal pools on the site, and the soil type (Oceano sand) drains quickly which does not allow sufficient time for ponding to occur. There was no indication of habitat suitable for supporting fairy shrimp or sensitive plant species associated with vernal pools.

2-30

Mitigation/Conclusion. No significant biological impacts are expected to occur, and no mitigation measures are necessary.

5. CULTURAL RESOURCES - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Disturb pre-historic resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Disturb historic resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Disturb paleontological resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project is located in an area historically occupied by the Obispeno Chumash. No historic structures are present and no paleontological resources are known to exist in the area.

Impact. The applicant submitted a *Cultural Resources Survey and Impact Assessment for the Moore Property* (C.A. Singer and Associates, Inc.; October 1989). Both prehistoric and historic cultural resources are known to exist in the Nipomo area. No evidence of cultural materials was noted on the property. Impacts to historical or paleontological resources are not expected.

Mitigation/Conclusion. Based on the lack of findings on the project site, it is unlikely that cultural resources are present. In the event cultural resources are discovered during construction, all work in the area shall cease and the contractor shall contact the appropriate authorities, as required by Section 22.10.040 of the County Land Use Ordinance. No additional mitigation measures are necessary.

6. GEOLOGY AND SOILS - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be within a California Geological Survey "Alquist-Priolo Earthquake Fault Zone"?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Change rates of soil absorption, or amount or direction of surface runoff?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

6. GEOLOGY AND SOILS -
Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
e) <i>Include structures located on expansive soils?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Involve activities within the 100-year flood zone?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Preclude the future extraction of valuable mineral resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting.

Geology. The topography of the project site is nearly level. The area proposed for development is outside of the Geologic Study Area designation. The landslide and liquefaction potentials are unknown. Active faulting is known to exist near the subject property, approximately 0.5 mile to the east. The project is not within a known area containing serpentine or ultramafic rock or soils. A *Report of Geotechnical Investigation* conducted for the project by S/G Geotechnical (March 1993) included several standard recommendations for site preparation and construction. There is no evidence that measures above what would already be required by ordinance or code are necessary.

Drainage – The area proposed for development is outside designation. The closest creek (Nipomo Creek) from the proposed development is approximately 0.5 mile to the east. As described in the Natural Resource Conservation Service Soil Survey, the soil is considered well drained. An existing drainage basin is located on the site, and this basin serves parcels from a previous subdivision to the west. The proposed drainage system would consist of replacing the existing above-ground retention basin with an underground infiltration basin located below proposed Parcel 3, as well as landscaped areas to retain additional runoff. The new system will need to be designed to handle the additional water from the previous subdivision.

Sedimentation and Erosion. The soil type mapped for the project site is (coastal) Oceano sand (0-9% slope). As described in the NRCS Soil Survey, the soil has a low erodibility and low shrink swell characteristics. Three residences, curb, gutter and sidewalk improvements, a small common area, and underground water retention are proposed. A proposed private easement would provide access to the project site from Grande Avenue. Implementation of the proposed project would result in the disturbance of 0.5 acres.

Impact. Grading for and construction of three residences, driveways, landscaping and drainage improvements would create exposed graded areas subject to increased soil erosion and down-gradient sedimentation. The project will also result in the elimination of an existing drainage facility as well as contribute additional run-off. Total grading activities and site disturbance would be approximately 0.5 acres for the proposed project.

Mitigation/Conclusion. The project has proposed handling existing as well as additional project generated drainage through the creation of an underground infiltration basin located below proposed Parcel 3. The specific design and implementation of this basin will be reviewed and approved by Public Works through the tract improvement plan review. No additional mitigation measures are necessary above what will already be required by ordinance or codes.

7. HAZARDS & HAZARDOUS MATERIALS - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Interfere with an emergency response or evacuation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Expose people to safety risk associated with airport flight pattern?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Increase fire hazard risk or expose people or structures to high fire hazard conditions?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Create any other health hazard or potential hazard?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project is not located in an area of known hazardous material contamination. The project is within a high severity risk area for fire. The project is not within the Airport Review area.

Impact. The project does not propose the use of hazardous materials. The project does not present a significant fire safety risk. The project is not expected to conflict with any regional evacuation plan.

Mitigation/Conclusion. No significant impacts as a result of hazards or hazardous materials are anticipated, and no mitigation measures are necessary.

8. NOISE - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Expose people to noise levels that exceed the County Noise Element thresholds?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Generate increases in the ambient noise levels for adjoining areas?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

8. NOISE - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
c) <i>Expose people to severe noise or vibration?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project is located in close proximity to an existing greenhouse operation which has high levels of noise as discussed above in the Agricultural Resources section of the Initial Study.

Impact. Noise from the existing greenhouse operation have the potential to impact proposed residences and outdoor areas.

Mitigation/Conclusion. Maintenance of the existing eight-foot masonry wall along the entire length of the western property boundary as discussed under the Agricultural Resources section of the Initial Study will reduce impacts to a level of insignificance.

9. POPULATION/HOUSING - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Displace existing housing or people, requiring construction of replacement housing elsewhere?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create the need for substantial new housing in the area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Use substantial amount of fuel or energy?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. In its efforts to provide for affordable housing, the county currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the county. Title 18 of the County Code (Public Facilities Fees) requires that an affordable housing mitigation fee be imposed as a condition of approval of any new residential development project.

The County has recently adopted a revised Housing Element. One of the new Housing Element Programs (Program HE 1.9) indicates that the County will prepare an Inclusionary Housing Ordinance

during 2005. Upon adoption of the ordinance, future commercial development may be required to pay a fee to support development of new affordable housing. The project will not result in a need for a significant amount of new housing, and will not displace existing housing.

Mitigation/Conclusion. The proposed project does not include specifically identified affordable housing. Prior to map recordation, the applicant is required to pay an affordable housing mitigation fee of 3.5 percent of the adopted Public Facility Fee. This fee will not apply to any county-recognized affordable housing included within the project. No significant population and housing impacts are anticipated, and no additional mitigation measures are necessary.

10. PUBLIC SERVICES/UTILITIES - <i>Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Fire protection?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Police protection (e.g., Sheriff, CHP)?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Schools?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Roads?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) <i>Solid Wastes?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other public facilities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project area is served by the County Sheriff's Department and CDF/County Fire as the primary emergency responders. The closest CDF fire station (Nipomo) is approximately 1 mile to the north. The closest Sheriff substation is in Oceano, which is approximately 11.5 miles from the proposed project. The project is located in the Lucia Mar Unified School District.

Impact. The project direct and cumulative impacts are within the general assumptions of allowed use for the subject property that was used to estimate the fees in place. In addition, the project will have a cumulative effect on circulation systems within the community of Nipomo.

Mitigation/Conclusion. Public facility (county) and school (State Government Code 65995 et seq) fee programs have been adopted to address the project's direct and cumulative impacts, and will reduce the impacts to less than significant levels.

11. RECREATION - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Increase the use or demand for parks or other recreation opportunities?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Affect the access to trails, parks or other recreation opportunities?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2-35

11. RECREATION - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
c) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The County Trails Plan shows that a potential trail goes through the proposed project, along Grande Avenue. A referral response from the Parks Division requires a trail along Grande Avenue to the County's A-1(x) standard. In addition, county ordinance requires the payment of a fee (Quimby) for the improvement or development of neighborhood or community parks.

Impact. The proposed project will not create a significant need for additional park or recreational resources. Construction of the proposed 3 residential units would contribute to the cumulative demand for recreational resources in San Luis Obispo County.

Mitigation/Conclusion. Construction of the trail along Grande Avenue, and the "Quimby" fee will adequately mitigate the project's impact on recreational facilities. No significant recreation impacts are anticipated, and no mitigation measures are necessary.

12. TRANSPORTATION/ CIRCULATION - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Increase vehicle trips to local or areawide circulation system?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Reduce existing "Levels of Service" on public roadway(s)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Provide for adequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Result in inadequate internal traffic circulation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Result in a change in air traffic patterns that may result in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. Future development will access onto Grande Avenue, a collector road. The identified roadways are operating at acceptable levels of service. Referrals were sent to the Public Works Department. No significant traffic-related concerns were identified.

Impact. The proposed project was referred to the County Public Works Department for review. The Public Works Department is currently consulting with the California Department of Transportation (Caltrans) regarding future improvements to the Highway 101 and Tefft Street interchange. Based on traffic calculations and analysis completed by the Public Works Department, the Level of Service at the Highway 101 and Tefft Street interchange is LOS D (Richard Marshall; April 8, 2005). All existing roadways and intersections affected by the proposed project are currently operating at acceptable levels of service for urban roadways. The Public Works Department reviewed the proposed development, and determined that no project-specific traffic impacts would occur.

The continued development of Nipomo, including the proposed project, would increase the traffic demands on West Tefft Street, and the Highway 101 and Tefft Street interchange. Based on consultation with the Public Works Department, the Level of Service at the interchange would decrease to LOS F under the cumulative build-out scenario. The County has developed the South County Road Fee Program to collect fees to be used towards road improvement projects within Nipomo and South County, including future improvements to the Highway 101 and Tefft Street interchange.

Mitigation/Conclusion. The proposed project is located within the Area 1 of the South County Fee Area. Prior to issuance of permits for future land uses on the project site, the applicant would be required to contribute to the fee program. The fees contributed to this program would partially finance the implementation of improvements to the Highway 101 and Tefft Street interchange, and mitigate cumulative impacts resulting from future development. Implementation of this measure would mitigate potential impacts to less than significant, and no additional mitigation measures are required.

13. WASTEWATER - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Change the quality of surface or ground water (e.g., nitrogen-loading, daylighting)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Adversely affect community wastewater service provider?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The Environmental Health Division is in receipt of a valid intent to serve letter from the Nipomo Community Services District (NCSD) that states this system can accept and process the wastewater proposed from the project.

Impact. The project proposes to use a community system as its means to dispose wastewater.

Mitigation/Conclusion. No significant impacts are expected to occur, therefore, no mitigation

measures are proposed or necessary.

14. WATER - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate any water quality standards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Change the quantity or movement of available surface or ground water?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) <i>Adversely affect community water service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting/Impact.

Surface Water. The proposed project site is not located near any sources of surface water. The topography of the site is nearly level to gently sloping. Standard drainage and erosion control measures would be required for the proposed project and would provide sufficient measures to adequately protect surface water quality. No additional measures are considered necessary and potential water quality impacts are either insignificant or will be reduced to less than significant levels.

Water Usage. The project proposes to use the NCSD as its water source. The Environmental Health Division has reviewed the project for water availability and has determined that there is preliminary evidence that there will be sufficient water available to serve the proposed project. The NCSD pumps water from the Santa Maria groundwater basin, which is made up of three interconnected sub areas (Tri-Cities, Nipomo Mesa, Santa Maria).

Based on the most recent comprehensive study completed for this basin (State Department of Water Resources, "Water Resources of the Arroyo Grande-Nipomo Mesa Area", 2002), while extractions will increase above current levels over the next twenty years, the study concludes that "Supplies appear adequate to meet water demands through water year 2020". However, the study recognizes that there is a sizeable local pumping depression on the Nipomo Mesa that has changed the dynamics of flow between two sub areas (Santa Maria, Nipomo Mesa). The study warns that seawater intrusion could result from this existing pumping depression if water management practices are not changed in the future and this depression continues to grow. Also, due mainly to the absence of current evidence of seawater intrusion, DWR concludes that the basin is not in a state of overdraft. The report does recommend a number of measures to improve monitoring of the basin as well as increase the use of recycled water.

On November 2, 2004, the Board of Supervisors certified RMS Level of Severity 2 for water supply in the Nipomo Mesa area, defined as the area subject to the 2.3% growth limit, as depicted in the Growth Management Ordinance.

Effective immediately, the County Flood Control and Water Conservation District will implement improved well monitoring and water quality monitoring programs for this area. Water purveyors in the Nipomo Mesa area are encouraged to strengthen their water conservation programs, increase their use of reclaimed water and continue their efforts to secure supplemental water. Also effective immediately, building permits must include the full range of water conservation measures, including: low water-use toilets, showerhead, faucets; low water-use clothes washers; automatic shut-off devices for bathroom and kitchen faucets; point-of-use supplemental water heater systems in bathrooms and kitchen, or circulating hot water systems; low water-use landscape; limited landscape areas; limited turf areas; low water-use plant materials; soil moisture sensors; drip irrigation systems; and separate meters for outdoor water use.

The Board of Supervisors also directed staff to process a general plan amendment (planning area standard) that would expand the application of landscape standards in the LUO (Sec. 22.16.020) for projects in the area subject to the 2.3% growth limit. Low water-use landscapes will now be required for all developer-installed landscapes on parcels of 5 acres or less in any land use category. In an effort to monitor the effectiveness of these water conservation measures, each annual update of the Growth Management Ordinance will include data to indicate if the water use rate per dwelling unit is trending downward. If progress toward water conservation targets is not evident, further growth limitations will be recommended.

Mitigation/Conclusion. To conserve water, the project will be subject to the County's Title 19 (Building and Construction Ordinance, Sec. 19.20.240) in addition to the measures described above. The ordinance requires the following water-conserving fixtures for domestic use: toilets limited to 1.6 gallons/flush; showerheads and faucets limited to 2.75 gallons/ minute; spas and hot tubs shall use re-circulating systems; and water supply piping shall be installed so each dwelling unit may be served by a separate water meter. Based on implementation of required water conservation measures, water impacts would be reduced to insignificance and no further measures are necessary.

15. LAND USE - Will the project:

	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
a) <i>Be potentially inconsistent with land use, policy/regulation (e.g., general plan [county land use element and ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be potentially inconsistent with any habitat or community conservation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be potentially incompatible with surrounding land uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. Surrounding uses are identified on Page 2 of the Initial Study. The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance, Local Coastal Plan, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., CDF for Fire Code, APCD for Clean Air Plan, etc.). The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used).

The project is not within or adjacent to a Habitat Conservation Plan area. The project is consistent or compatible with the surrounding uses as summarized on page 2 of this Initial Study.

Mitigation/Conclusion. No inconsistencies were identified and therefore no additional measures above what will already be required was determined necessary.

16. MANDATORY FINDINGS OF SIGNIFICANCE - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

For further information on CEQA or the county's environmental review process, please visit the County's web site at "www.sloplanning.org" under "Environmental Review", or the California Environmental Resources Evaluation System at "http://ceres.ca.gov/topic/env_law/ ceqa/ guidelines/" for information about the California Environmental Quality Act.

Exhibit A - Initial Study References and Agency Contacts

The County Planning or Environmental Division have contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an ☒) and when a response was made, it is either attached or in the application file:

Contacted	Agency	Response
<input checked="" type="checkbox"/>	County Public Works Department	Attached
<input checked="" type="checkbox"/>	County Environmental Health Division	Attached
<input checked="" type="checkbox"/>	County Agricultural Commissioner's Office	Attached
<input type="checkbox"/>	County Airport Manager	Not Applicable
<input type="checkbox"/>	Airport Land Use Commission	Not Applicable
<input checked="" type="checkbox"/>	Air Pollution Control District	Attached
<input type="checkbox"/>	County Sheriff's Department	Not Applicable
<input type="checkbox"/>	Regional Water Quality Control Board	Not Applicable
<input type="checkbox"/>	CA Coastal Commission	Not Applicable
<input type="checkbox"/>	CA Department of Fish and Game	Not Applicable
<input checked="" type="checkbox"/>	CA Department of Forestry	Attached
<input type="checkbox"/>	CA Department of Transportation	Not Applicable
<input checked="" type="checkbox"/>	Nipomo Community Service District	Attached
<input checked="" type="checkbox"/>	Other <u>Nipomo Community Advisory Council</u>	None
<input checked="" type="checkbox"/>	Other <u>County Parks</u>	Attached

**** "No comment" or "No concerns"-type responses are usually not attached**

The following checked ("☒") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

<input checked="" type="checkbox"/> Project File for the Subject Application	<input checked="" type="checkbox"/> South County (Inland) Area Plan and Update EIR
<u>County documents</u>	<input checked="" type="checkbox"/> South County Circulation Study
<input type="checkbox"/> Airport Land Use Plans	<u>Other documents</u>
<input checked="" type="checkbox"/> Annual Resource Summary Report	<input checked="" type="checkbox"/> Archaeological Resources Map
<input type="checkbox"/> Building and Construction Ordinance	<input checked="" type="checkbox"/> Area of Critical Concerns Map
<input type="checkbox"/> Coastal Policies	<input checked="" type="checkbox"/> Areas of Special Biological Importance Map
<input checked="" type="checkbox"/> Framework for Planning (Coastal & Inland)	<input checked="" type="checkbox"/> California Natural Species Diversity Database
<input checked="" type="checkbox"/> General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include:	<input checked="" type="checkbox"/> Clean Air Plan
<input checked="" type="checkbox"/> Agriculture & Open Space Element	<input checked="" type="checkbox"/> Fire Hazard Severity Map
<input checked="" type="checkbox"/> Energy Element	<input checked="" type="checkbox"/> Flood Hazard Maps
<input checked="" type="checkbox"/> Environment Plan (Conservation, Historic and Esthetic Elements)	<input checked="" type="checkbox"/> Natural Resources Conservation Service Soil Survey for SLO County
<input checked="" type="checkbox"/> Housing Element	<input checked="" type="checkbox"/> Regional Transportation Plan
<input checked="" type="checkbox"/> Noise Element	<input checked="" type="checkbox"/> Uniform Fire Code
<input checked="" type="checkbox"/> Parks & Recreation Element	<input checked="" type="checkbox"/> Water Quality Control Plan (Central Coast Basin – Region 3)
<input checked="" type="checkbox"/> Safety Element	<input checked="" type="checkbox"/> GIS mapping layers (e.g., habitat, streams, contours, etc.)
<input checked="" type="checkbox"/> Land Use Ordinance	<input type="checkbox"/> Other _____
<input checked="" type="checkbox"/> Real Property Division Ordinance	
<input checked="" type="checkbox"/> Trails Plan	
<input type="checkbox"/> Solid Waste Management Plan	

2-41

In addition, the following project specific information and/or reference materials have been considered as a part of the Initial Study:

C.A. Singer and Associates, Inc. October 29, 1989. *Cultural Resources Survey and Impact Assessment for the Moore Property, 0.93 acres in Nipomo.*

S/G Testing Laboratories, Inc. March 4, 1993. *Report of Geotechnical Investigation.*

Exhibit B - Mitigation Summary Table**Agricultural Resources**

- A-1 Prior to recordation of the final map**, the applicant shall show on an additional map sheet and include in any CC&Rs for the project that the existing eight-foot masonry wall along the entire length of the western property boundary of each proposed parcel shall be maintained and not removed.
- A-2 Prior to recordation of the final map**, the applicant shall show on an additional map sheet and include in any CC&Rs for the project, supplemental disclosure to purchasers of these properties concerning the nature of the neighboring agricultural activities and hours of operation and the County's Right to Farm Ordinance.

Air Quality

- AQ-1 During construction/ground disturbing activities**, the applicant shall implement the following particulate (dust) control measures. These measures shall be shown on the grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to commencement of construction.
- a. Reduce the amount of disturbed area where possible,
 - b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible.
 - c. All dirt stockpile areas should be sprayed daily as needed.
 - d. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible.
 - e. Building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
 - f. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top load and top of trailer) in accordance with CVC Section 23114.
 - g. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.
 - e. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.
- AQ-2 Prior to issuance of demolition permits**, the applicant shall contact the APCD and comply with the requirements listed in the National Emission Standard for Hazardous Air Pollutants (NESHAP). These requirements include, but are not limited to: 1) notification requirements to the APCD, 2) asbestos survey conducted by a Certified Asbestos Inspector, and 3) applicable removal and disposal requirements of identified asbestos containing material (ASM).

- AQ-3 Prior to issuance of grading and construction permits for both road improvements and individual lot development,** the applicant shall submit the results of a geologic evaluation conducted to determine if naturally occurring asbestos is present within the area proposed for disturbance. If naturally occurring asbestos is not present, an exemption request shall be filed with the APCD. If naturally occurring asbestos is present, the Parks Division shall comply with all requirements outlined in the Asbestos Air Toxics Control Measure (ATCM). Compliance may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for APCD approval.
- AQ-4** In the event no technically feasible alternatives are available other than developmental burning, the applicant shall contact the APCD and California Department of Forestry to obtain a burn permit and comply with permit requirements.

Recreation

- R-1 Prior to recordation of the final map,** the applicant shall construct an A-1(x) trail along the Grande Avenue frontage of the project.

Water

- W-1 Prior to issuance of building permits,** construction plans must include indoor water conservation measures including: low water-use toilets, showerheads, and faucets; automatic shut-off devices for bathroom and kitchen faucets; and point-of-use supplemental water heater systems or circulating hot water systems in bathrooms and kitchen. Landscape plans for the proposed parcels must include outdoor conservation measures including: limited landscape area, low water-use plant materials, limited turf area, soil moisture sensors, and drip irrigation systems.
- W-2 Prior to final inspection,** for structures where the pipe from the hot water heater to any faucet is greater than 20 feet in length, apply one or more of the following: 1) install a hot water pipe circulating system for entire structure; 2) install "point-of-use" water heater "boosters" near all hot water faucets (that are greater than 20 linear pipe feet from water heater), or 3) use the narrowest pipe possible (e.g., from 1" to ½" diameter). **Prior to permit issuance,** the measure(s) to be used shall be shown on all applicable plumbing plans.
- W-3 Prior to recordation of the final map,** the applicant shall submit a final "will-serve" letter from the Nipomo Community Services District to the Environmental Health Division.

2-44

**DEVELOPER'S STATEMENT FOR THE
MOORE TRACT MAP & CONDITIONAL USE PERMIT; SUB2003-00128**

The applicant agrees to incorporate the following measures into the project. These measures become a part to the project description and therefore become a part of the record of action upon which the environmental determination is based. All construction/grading activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

Note: The items contained in the boxes labeled "Monitoring" describe the County procedures to be used to ensure compliance with the mitigation measures.

AGRICULTURAL RESOURCES

- A-1 Prior to recordation of the final map**, the applicant shall show on an additional map sheet and include in any CC&Rs for the project that the existing eight-foot masonry wall along the entire length of the western property boundary of each proposed parcel shall be maintained and not removed.
- A-2 Prior to recordation of the final map**, the applicant shall show on an additional map sheet and include in any CC&Rs for the project, supplemental disclosure to purchasers of these properties concerning the nature of the neighboring agricultural activities and hours of operation and the County's Right to Farm Ordinance.

AIR QUALITY

- AQ-1 During construction/ground disturbing activities**, the applicant shall implement the following particulate (dust) control measures. These measures shall be shown on the grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to commencement of construction.
- a. Reduce the amount of disturbed area where possible,
 - b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible.
 - c. All dirt stockpile areas should be sprayed daily as needed.
 - d. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible.
 - e. Building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
 - f. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or

2-45

should maintain at least two feet of freeboard (minimum vertical distance between top load and top of trailer) in accordance with CVC Section 23114.

g. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.

e. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.

Monitoring: The Planning and Building Department, in consultation with the County Air Pollution Control District shall verify compliance.

AQ-2 Prior to issuance of demolition permits, the applicant shall contact the APCD and comply with the requirements listed in the National Emission Standard for Hazardous Air Pollutants (NESHAP). These requirements include, but are not limited to: 1) notification requirements to the APCD, 2) asbestos survey conducted by a Certified Asbestos Inspector, and 3) applicable removal and disposal requirements of identified asbestos containing material (ASM).

Monitoring: The Planning and Building Department, in consultation with the County Air Pollution Control District shall verify compliance.

AQ-3 Prior to issuance of grading and construction permits for both road improvements and individual lot development, the applicant shall submit the results of a geologic evaluation conducted to determine if naturally occurring asbestos is present within the area proposed for disturbance. If naturally occurring asbestos is not present, an exemption request shall be filed with the APCD. If naturally occurring asbestos is present, the Parks Division shall comply with all requirements outlined in the Asbestos Air Toxics Control Measure (ATCM). Compliance may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for APCD approval.

Monitoring: The Planning and Building Department, in consultation with the County Air Pollution Control District shall verify compliance.

AQ-4 In the event no technically feasible alternatives are available other than developmental burning, the applicant shall contact the APCD and California Department of Forestry to obtain a burn permit and comply with permit requirements.

Monitoring: The Planning and Building Department, in consultation with the County Air Pollution Control District shall verify compliance.

RECREATION

- R-1** Prior to recordation of the final map, the applicant shall construct an A-1(x) trail along the Grande Avenue frontage of the project.

Monitoring: The Planning and Building Department, in consultation with Public Works, shall verify compliance.

WATER

- W-1** Prior to issuance of building permits, construction plans shall include indoor water conservation measures including: low water-use toilets, showerheads, and faucets; automatic shut-off devices for bathroom and kitchen faucets; and point-of-use supplemental water heater systems or circulating hot water systems in bathrooms and kitchen. Landscape plans for the proposed parcels must include outdoor conservation measures including: limited landscape area, low water-use plant materials, limited turf area, soil moisture sensors, and drip irrigation systems.

Monitoring: The Planning and Building Department shall verify required elements on plans, and implementation in the field.

- W-2** Prior to final inspection, for structures where the pipe from the hot water heater to any faucet is greater than 20 feet in length, apply one or more of the following: 1) install a hot water pipe circulating system for entire structure; 2) install "point-of-use" water heater "boosters" near all hot water faucets (that are greater than 20 linear pipe feet from water heater), or 3) use the narrowest pipe possible (e.g., from 1" to ½" diameter). Prior to permit issuance, the measure(s) to be used shall be shown on all applicable plumbing plans.

Monitoring: The Planning and Building Department shall verify required elements on plans, and implementation in the field.

- W-3** Prior to recordation of the final map, the applicant shall submit a final "will-serve" letter from the Nipomo Community Services District to the Environmental Health Division.

Monitoring: The Planning and Building Department shall verify compliance.

Environmental Determination: ED04-501

2-47

Date: December 15, 2005

The applicant understands that any changes made to the project subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.



Signature of Owner(s)

12-28-2005

Date

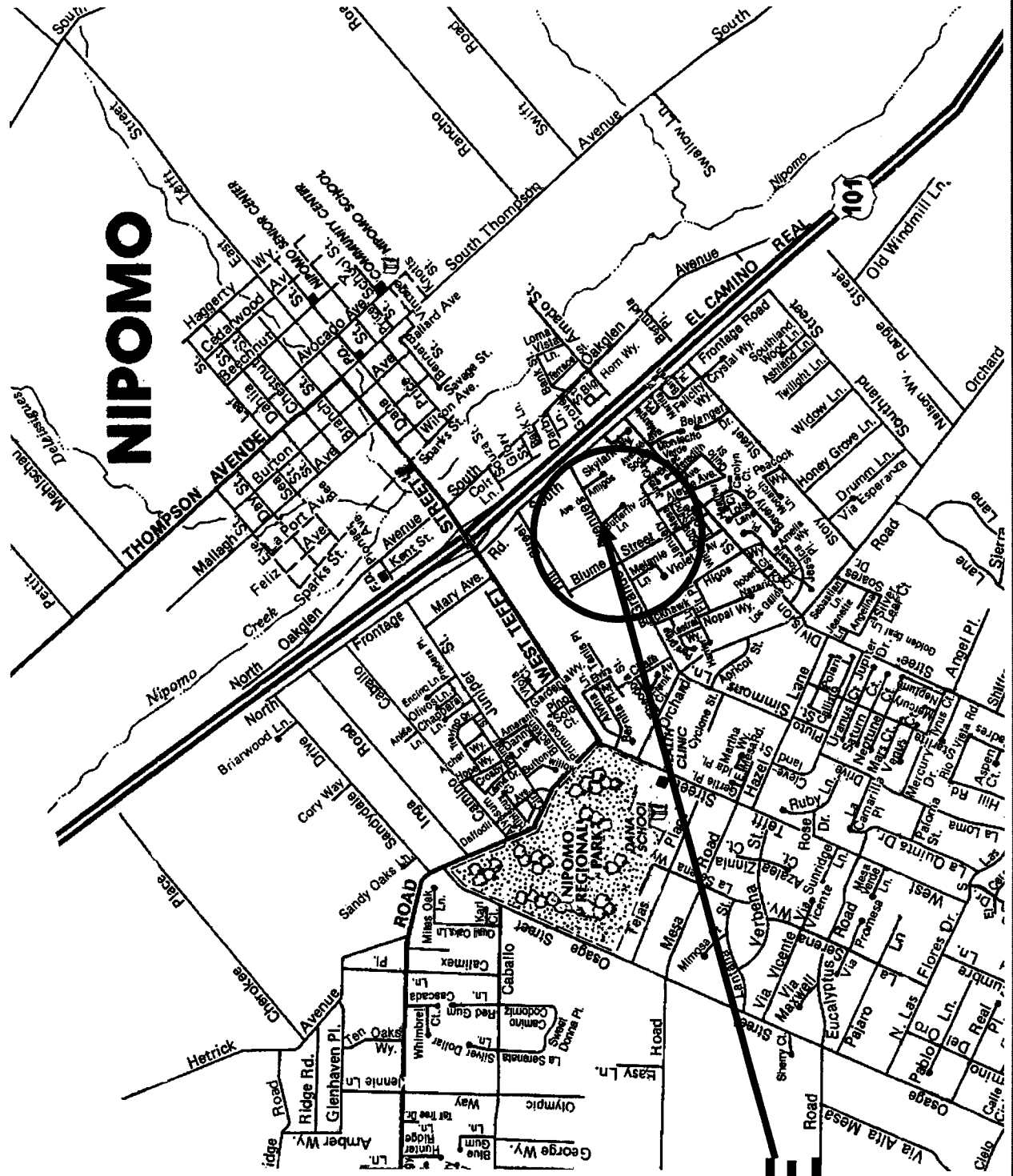
KENNETH MOORE

Name (Print)

7-48

NIPOMO

SITE



PROJECT

Tract Map

Moore SUB2003-00128

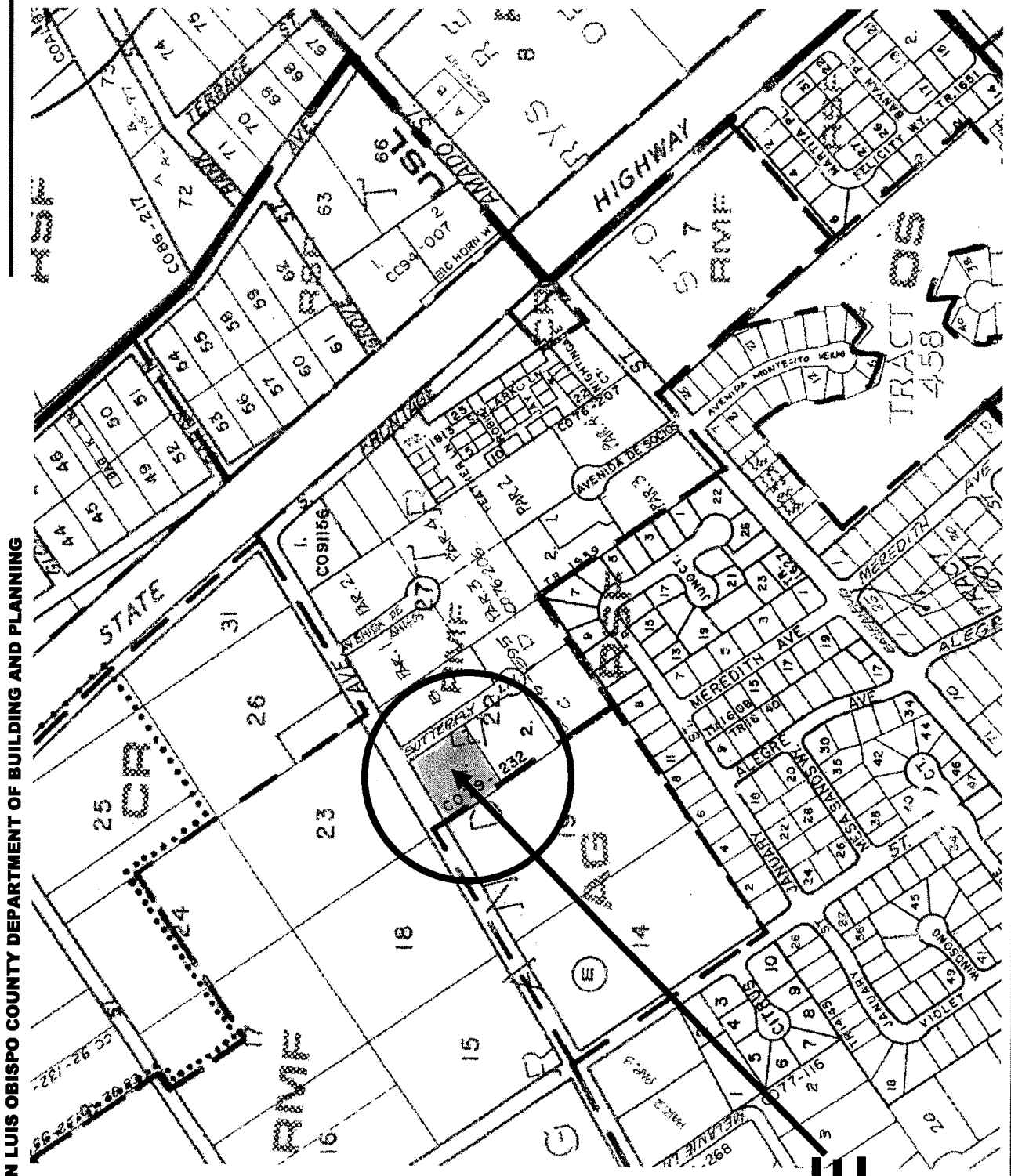
EXHIBIT

Vicinity Map



2-49

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



SITE

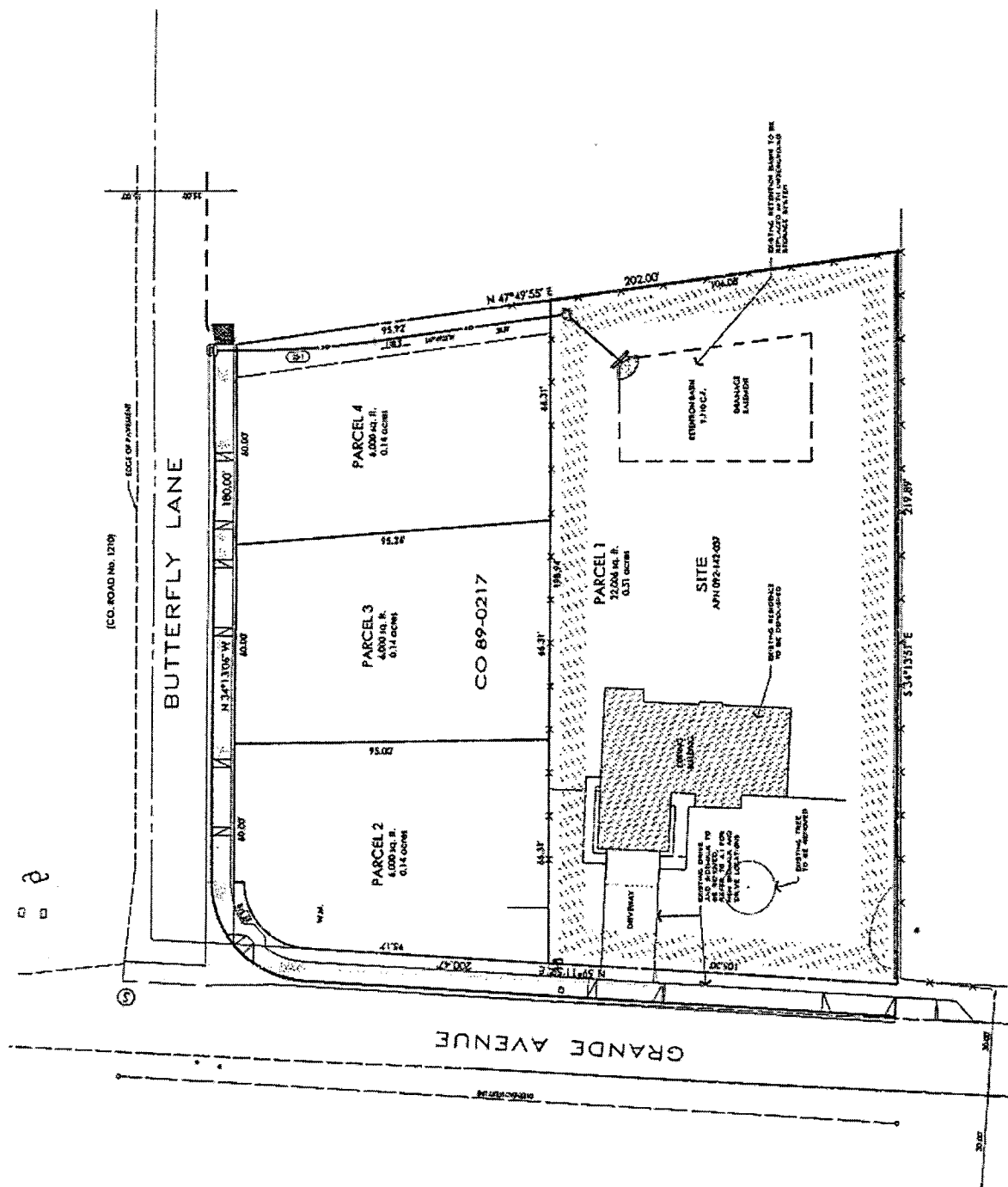
PROJECT

Tract Map
Moore SUB2003-00128

EXHIBIT

Land Use Category





PROJECT

Tract Map
Moore SUB2003-00128

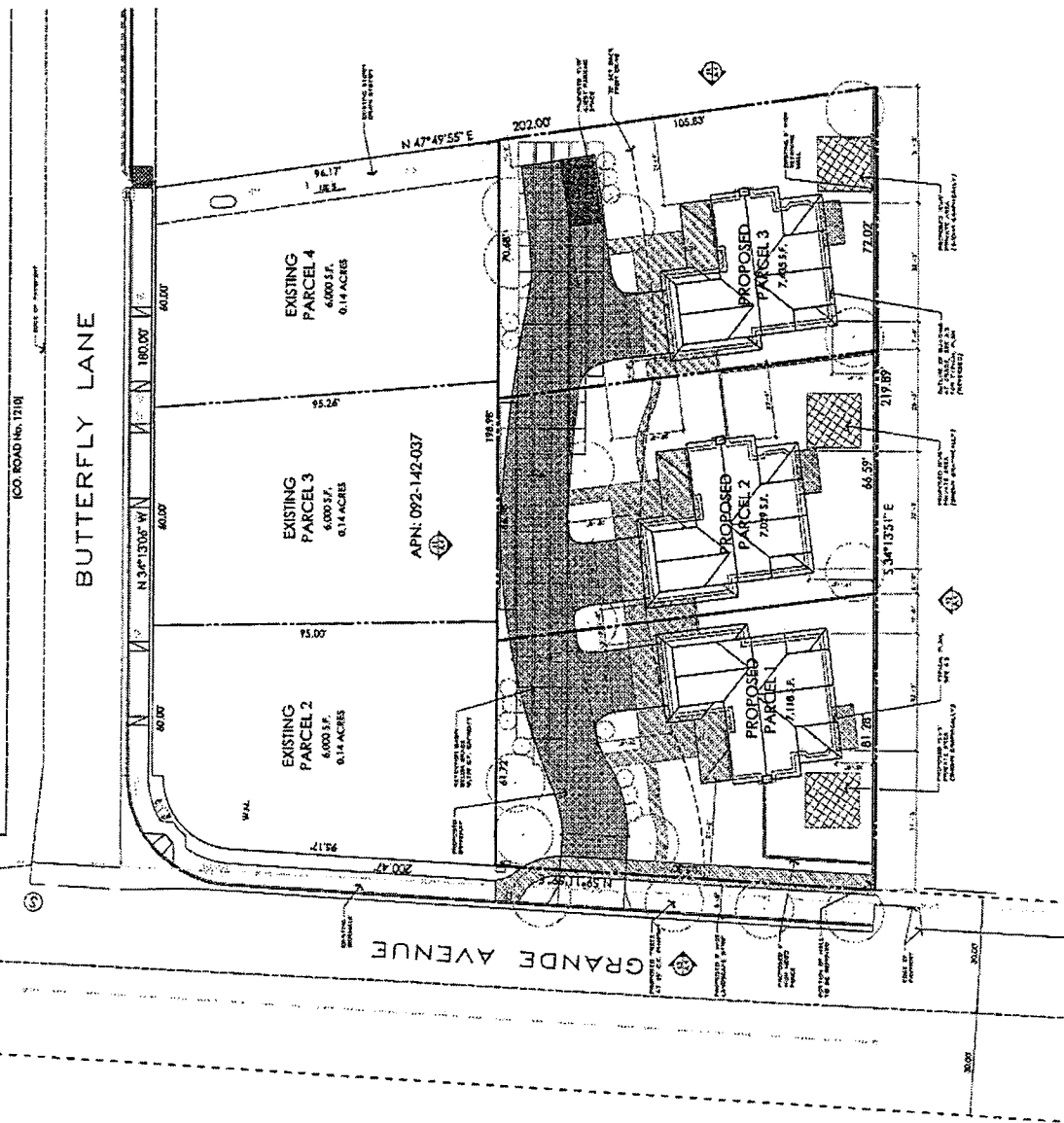


EXHIBIT

Existing Site Plan

2-51

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

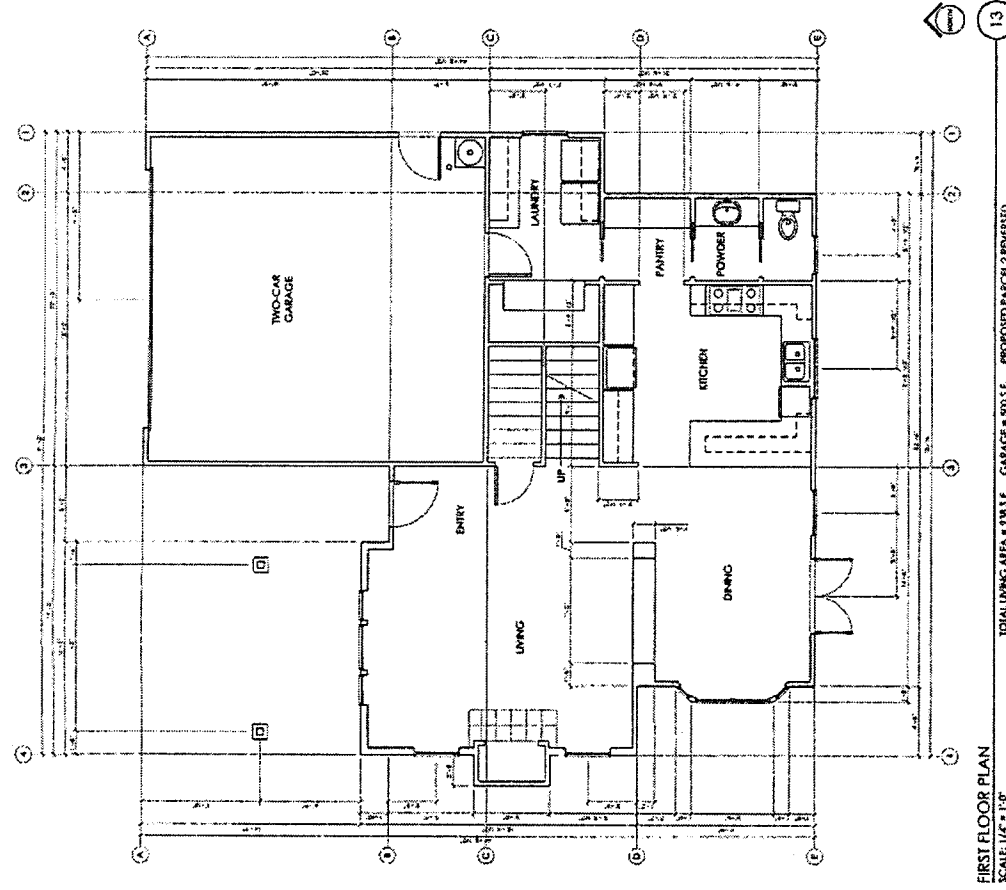
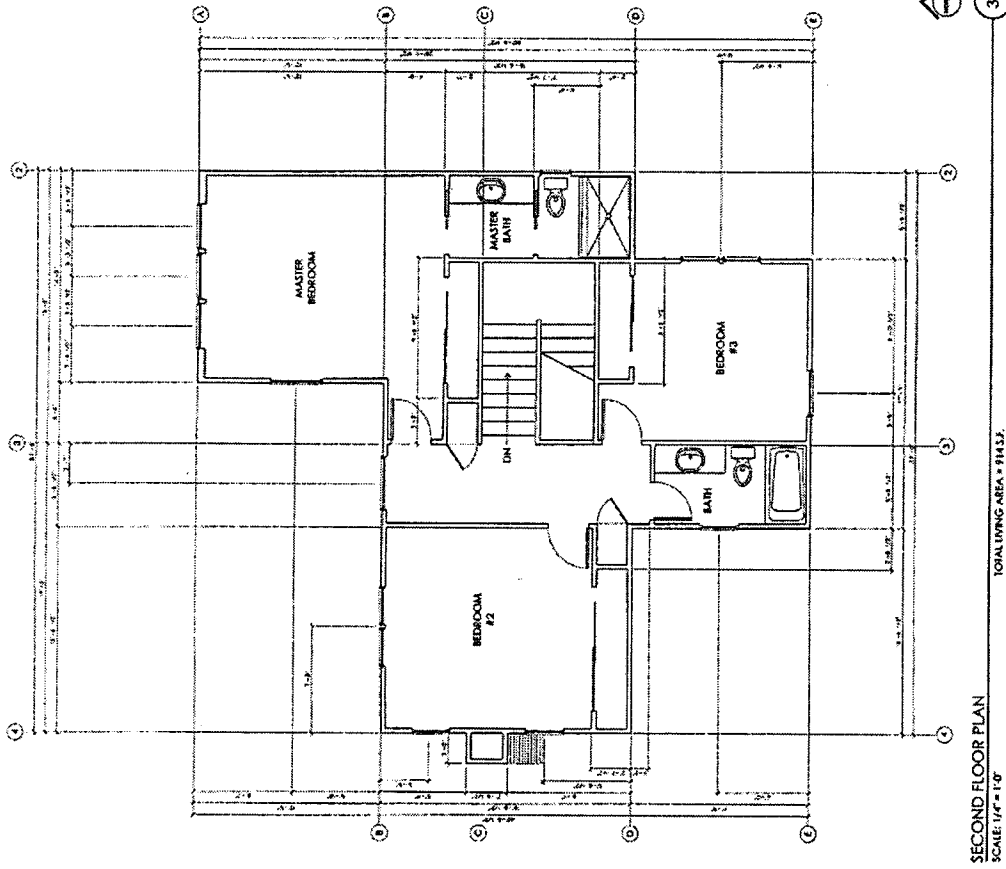
Tract Map
Moore SUB2003-00128



EXHIBIT

Site Plan

2-52



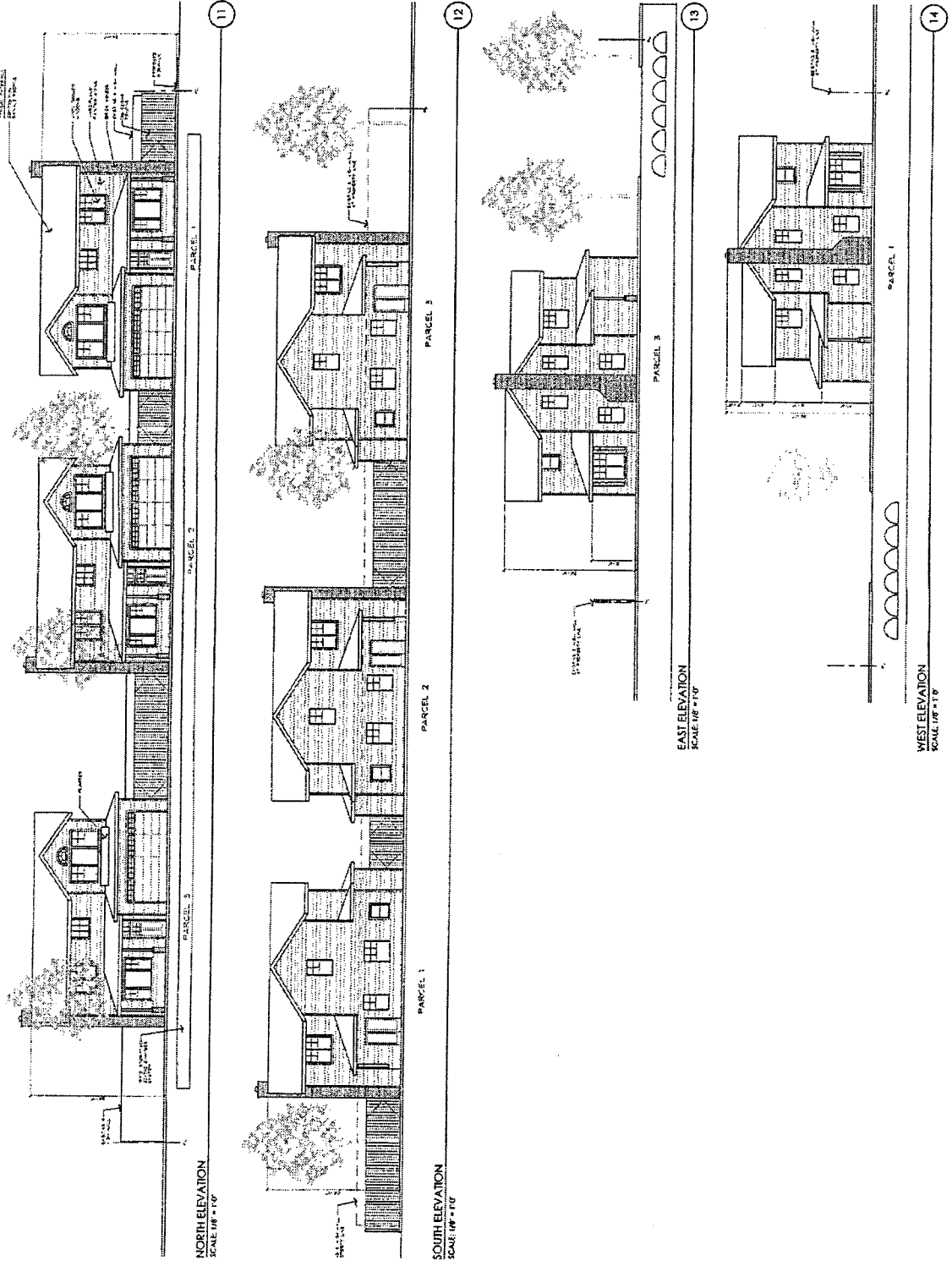
PROJECT

Tract Map
Moore SUB2003-00128

EXHIBIT

Floor Plan





PROJECT

Tract Map
Moore SUB2003-00128



EXHIBIT

Elevation

NIPOMO COMMUNITY



SERVICES DISTRICT

BOARD MEMBERS

MICHAEL WINN, PRESIDENT
JUDITH WIRSING, VICE PRESIDENT
ROBERT BLAIR, DIRECTOR
CLIFFORD TROTTER, DIRECTOR
LARRY VIERHEILIG, DIRECTOR

STAFF

MICHAEL LeBRUN, GENERAL MANAGER
LISA BOGNUA, ASSISTANT ADMINISTRATOR
DAN MIGLIAZZO, UTILITY SUPERVISOR
JON SEITZ, GENERAL COUNSEL

148 SOUTH WILSON STREET POST OFFICE BOX 326 NIPOMO, CA 93444 - 0326
(805) 929-1133 FAX (805) 929-1932 Email address gm@nipomocsd.com

November 9, 2004

Ken Moore
2045 Zacata
Arroyo Grande, CA 93420

This is NOT a Will-Serve Letter

SUBJECT: INTENT-TO-SERVE WATER and SEWER SERVICE
TRACT 2634 GRANDE & BUTTERFLY LANE
TWO (2) SINGLE-FAMILY RESIDENCES IN NIPOMO

An Intent-to-Serve letter for water and sewer service for Tract 2634, a 2-lot development at APN 092-142-037, Grande & Butterfly Lane in Nipomo, is granted subject to the following conditions:

- This project shall obtain sewer and water service for all units, existing and planned.
- Enter into a Plan Check and Inspection Agreement.
- Submit improvement plans in accordance with the District Standards and Specifications for review and approval.
- Pay all appropriate District fees associated with this development.
- Construct the improvements required and submit the following:
 - Reproducible "As Builts" - A mylar copy and digital format disk (Auto Cad) which includes engineer, developer, tract number and water and sewer improvements
 - Offer of Dedication
 - Engineer's Certification
 - A summary of all water and sewer improvement costs
- This letter is void if land use is other than residential single family.
- Install and pay fees for separate fire service, if CDF requires on-site fire protection.
- Comply with District water conservation program.
- Intent-to-Serve Letters shall automatically terminate on the first to occur:
 - Failure of the applicant to provide District with written verification that County application for the project has been deemed complete within two hundred forty (240) calendar days of the date the Intent-to-Serve Letter is issued; or
 - Two (2) years. However, applicant shall be entitled to a one-year extension upon proof of reasonable due diligence in processing the project.

Ken Moore
Tract 2634
Intent-to-Serve
November 9, 2004
Page Two

2-55
This is not a Will Serve letter

As required by Section 19.20.238 Title 19 of the San Luis Obispo County Code, the Nipomo Community Services District certifies that it will provide potable water service to Tract 2634 and that it has sufficient water resources to provide such service. Notwithstanding any other language in this letter, the District certifies that (1) it will provide new service to the parcel(s) within the development on the same basis as it provides new service to any other legal parcel within the District's service area; and (2) once new service is established for a parcel(s) within the development, the District will provide service to said parcel on the same basis as it provides service to other customers within the same land use designation.

Notwithstanding to the above paragraph, notice is provided that Nipomo Community Services District has been made a party to that lawsuit entitled Santa Maria Valley Water Conservation District, et al. v. City of Santa Maria, et al., Santa Clara Superior Court Case No. CV 770214. The case involves competing claims to the right to produce water from and/or store water in the Santa Maria Valley Groundwater Basin, the water source from which Nipomo Community Services District derives the water, which it serves. The District is now unable to predict with any certainty the outcome of the above-referenced litigation. However, the litigation conceivably could result in a limitation on the availability of groundwater for the District's production and/or an increase in the cost of water, which the District serves to its water customers.

This "Intent-to-Serve" letter shall be subject to the current and future rules, regulations, fees, resolutions and ordinances of the Nipomo Community Services District. This "Intent-to-Serve" letter may be revoked as a result of conditions imposed upon the District by a Court or availability of resources, or by a change in ordinance, resolution, rules, fees or regulations adopted by the Board of Directors for the protection of the health, safety, and welfare of the District. The District reserves the right to revoke this "Intent-to-Serve" letter at any time.

Please be aware, all dwellings in your development, existing and new, will be required to be connected to District water and sewer services. Sewer and water laterals serving one parcel and crossing subsequent parcel(s) prior to joining main-lines are not allowed unless they are within dedicated easements.

Please call with any questions.

Sincerely,

NIPOMO COMMUNITY SERVICES DISTRICT

Michael LeBrun

Michael LeBrun
General Manager

Enclosure:
Procedure for Service Requests



2-56
SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

BP

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

MAR 29 2004

DATE:

FROM

FROM
TO

March 26, 2004
Public Works
So. County Team
(Please direct response to the above)

CO 89-0217

Sub 2003-00126/
Project Name and Number

Development Review Section (Phone: 781- *788-7009*)

PROJECT DESCRIPTION:

Sub-divide existing .50 acre parcel
into (3) parcels, 6000 SF minimum

Return this letter with your comments attached no later than:

April 9, 2004

PART I IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☐ YES (Please go on to Part II)
☒ NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☐ NO (Please go on to Part III)
☒ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

No Title Report. Recommend Denial of this configuration —
Grande is a collector, lots taking direct access need to be 10,000 sq ft
min. Access easement will reduce net lot size. We need to see
Drainage Calc and Basin sizing since they propose to move it — can it
be built in area provided? Probably can get only two lots unless access comes
off Butterfly somehow. AG Buffers?

Date

19 May 2004

Name

Goodwin

Phone

5252



257
COUNTY OF SAN LUIS OBISPO

Department of Agriculture/Measurement Standards

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556
ROBERT F. LILLEY (805) 781-5910
AGRICULTURAL COMMISSIONER/SEALER FAX (805) 781-1035

AgCommSLO@co.slo.ca.us

DATE: June 1, 2004

TO: Brian Pedrotti, Planner III

FROM: Lynda L. Auchinachie, Agriculture Department

SUBJECT: Moore Parcel Map SUB2003-00128 (0872)

RECEIVED
JUN 03 2004
Planning & Bldg

The Agriculture Department's review finds that the proposal to subdivide a .50 acre project site into three parcels ranging in size from 6,000 to 9,950 square feet would result in:

- ☐ **Potential** to create a significant environmental impact to agricultural resources and operations.
- ☒ **Less than significant** impact(s) to agricultural resources or operations with the incorporation of the following mitigation measures into the project.
- ☐ **No Anticipated Impact** to agricultural resources or operations.

Recommended Mitigation Measures

1. Maintain the existing eight-foot masonry wall along the entire length of the western property boundary of each proposed parcel.
- 2.. Provide supplemental disclosure to purchasers of these properties concerning the nature of the neighboring agricultural activities and hours of operation.

The comments and recommendations in our report are based on policies in the San Luis Obispo County Agriculture and Open Space Element, the Land Use Ordinance, the California Environmental Quality Act (CEQA), and on current departmental policy to conserve agricultural resources and to provide for public health, safety and welfare while mitigating negative impacts of development to agriculture.

2-58

A. Project Description

The applicant has requested to subdivide an approximately .50 acre project site into three parcels ranging in size from 6,000 to 9,950 square feet for residential development. The project site is within the Residential Multi-Family land use category, and is located at 637 Grande Avenue, in the community of Nipomo.

B. Site Description and Agricultural Setting

The project site is currently developed with one residence and a drainage basin that serves several parcels. The site consists of Class IV (irrigated), Class VI (nonirrigated) soil and is not developed with any agricultural uses.

The project site is located adjacent to an existing greenhouse and nursery facility to the west. The facility is within the Agriculture land use category. An eight-foot masonry wall was constructed along the western property boundary of the project site to meet conditions of approval for the previous subdivision. The intent of the wall was to mitigate incompatibilities such as noise, dust, trespassing, property damage, and agricultural chemical use. The wall appears to provide adequate mitigation.

C. Evaluation of Potential Impacts to Agricultural Resources

The Agriculture Department reviews proposals for specific activities on Agricultural lands in light of the requirements of the California Environmental Quality Act.(CEQA). Impacts of concern include pressure exerted by a project or activity for (1) conversion of "prime farmland", (2) conversion of unique farmland, or (3), conversion of farmland of statewide importance to non-agricultural uses. CEQA also requires a project to be assessed for conflicts with existing agricultural uses, or Williamson Act contracts.

1. Impacts to On Site Agricultural Capability

The proposed subdivision would result in the construction of additional residences on the project site. As the site already supports residential uses, additional residential development should not have a significant impact to agricultural resources because the land is zoned for residential development.

2. Impacts to Adjacent Agricultural Lands

One of the primary goals of the Agriculture and Open Space Element is to ensure the long-term viability of agricultural resources and operations. Part of the land use review process is to identify potential land use conflicts between proposed development and existing production agriculture.

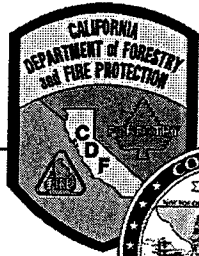
2-59

The adjacent greenhouse and nursery facility is considered production agriculture. Typically, a buffer would be recommended to mitigate incompatibilities. However, a buffer has not historically been recommended for development adjacent to this facility because of the unique circumstances of having this island of agricultural land surrounded by residential uses. Incompatibilities have been mitigated with such things as solid wall structures etc. For this project, the maintenance of the existing eight-foot wall and detailed disclosure of adjacent agricultural activities is recommended.

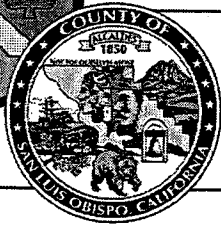
D. Recommended Mitigation Measures

1. Maintain the existing eight-foot masonry wall along the entire length of the western property boundary of each proposed parcel.
- 2.. Provide supplemental disclosure to purchasers of these properties concerning the nature of the neighboring agricultural activities and hours of operation.

If we can be of further assistance please call: 781 - 5914



BP 2-60



CDF/San Luis Obispo County Fire Department

635 N. Santa Rosa • San Luis Obispo • California 93405

May 20, 2004

County of San Luis Obispo
Department of Planning and Building
County Government Center
San Luis Obispo, CA 93408

RECEIVED

MAY 21 2004

Planning & Bldg

Subject: Parcel Map Project # Moore/SUB2003-00128

Dear South County Team,

I have reviewed the referral for the parcel map plans for the proposed three parcel subdivision project located at 637 Grande Ave., Nipomo. This project is located approximately 5 minutes from the closest CDF/San Luis Obispo County Fire Station. The project is located in State Responsibility Area for wildland fires. It is designated a High Fire Severity Zone. This project is required to comply with all fire safety rules and regulations including the California Fire Code, the Public Resources Code and any standards referenced therein.

The following conditions will apply to this project:

Access Road

An access road must be constructed to CDF/County Fire standards when it serves more than one parcel; access to any industrial or commercial occupancy, or vehicular access to a single parcel with more than two buildings or four or more dwelling units.

- The maximum length of a dead end road, including all dead-end roads accessed from that dead-end road, shall not exceed the following cumulative lengths, regardless of the number of parcels served:

○ Parcels less than 1 acres	800 feet
○ Parcels 1 acre to 4.99 acres	1320 feet
○ Parcels 5 acres to 19.99 acres	2640 feet
○ Parcels 20 acres or larger	5280 feet
- The road must be 18 feet in width and an all weather surface.
- If the road exceeds 12% it must have a non-skid paved surface.
- Roads may not exceed 16% without special mitigation and shall not exceed 20%.

2-61

- All roads must be able to support a 20 ton fire engine.
- Road must be named and addressed including existing buildings.
- A turnaround must be provided if the road exceeds 150 feet.
- Vertical clearance of 13'6" is required.

Driveway

A driveway is permitted when it serves no more than two buildings, with no more than 3 dwelling units or a single parcel, and any number of accessory buildings.

- Driveway width for high and very high fire severity zones:
 - 0-49 feet, 10 feet is required
 - 50-199 feet, 12 feet is required
 - Greater than 200 feet, 16 feet is required
- Turnarounds must be provided if driveway exceeds 300 feet.

Water Supply

The following applies:

☒ This project will require a community water system which meets the minimum requirements of the Appendix III-A & III-B of the California Fire Code.

☐ A water storage tank with a capacity determined by a factor of the cubic footage of the structure will be required to serve each existing and proposed structure. A residential fire connection must be located within 50 to 150 feet of the buildings.

Fuel Modification

- Vegetation must be cleared 10 feet on each side of the driveways and access road.
- Maintain around all structures a 30 foot firebreak. This does not include fire resistive landscaping.
- Remove any part of a tree that is within 10 feet of a chimney.
- Maintain any tree adjacent to or overhanging any building free of deadwood.
- Maintain the roof of any structure free of leaves, needles or other flammable material.

If I can provide additional information or assistance, please call 543-4244.

Sincerely,

Gilbert R. Portillo
Fire Inspector

cc: Mr. Ken Moore, owner
Omni Design Group, agent



**AIR POLLUTION
CONTROL DISTRICT**
COUNTY OF SAN LUIS OBISPO

2-67
BP

DATE: April 8, 2004
TO: South County Team
San Luis Obispo County Department of Planning and Building
FROM: Melissa Guisen *MG*
San Luis Obispo County Air Pollution Control District
SUBJECT: Moore Parcel Split (SUB 2003-00128)

Thank you for including the APCD in the environmental review process. We have completed our review of the proposed project located at 637 Grande Avenue, Nipomo. We have the following comments on the proposal.

Construction Phase Emissions

The project as described in the referral will not likely exceed the District's CEQA significance threshold for construction phase emissions. However, construction activities can generate fugitive dust, which could be a nuisance to local residents and businesses in close proximity to the proposed construction site. Dust complaints could result in a violation of the District's 402 "Nuisance" Rule. District staff recommends the following measures be incorporated into the project to control dust:

- Reduce the amount of the disturbed area where possible;
- Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;
- All dirt stock-pile areas should be sprayed daily as needed;
- All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible;
- Building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
- All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
- Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site; and
- Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.

Demolition Activities

Demolition activities can have potential negative air quality impacts, including issues surrounding proper handling, demolition, and disposal of asbestos containing material (ACM). Asbestos containing materials could be encountered during demolition or remodeling of existing buildings. Asbestos can also be found in utility pipes/pipelines (transite pipes or insulation on pipes). If utility pipelines are scheduled for removal or relocation; or building(s) are removed or renovated this project may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - Asbestos NESHAP). These requirements include but are not limited to: 1) notification requirements to the District, 2) asbestos survey conducted by a Certified Asbestos Inspector, and, 3) applicable removal and disposal requirements of identified ACM. Please contact Tim Fuhs of the APCD Enforcement Division at 781-5912 for further information.

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Naturally Occurring Asbestos

Naturally Occurring Asbestos (NOA) has been identified by the state Air Resources Board as a toxic air contaminant. Serpentine and ultramafic rocks are very common in the state and may contain naturally occurring asbestos. Under the State Air Resources Board Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, prior to any grading activities at the site, the project proponent shall ensure that a geologic evaluation is conducted to determine if naturally occurring asbestos is present within the area that will be disturbed. If naturally occurring asbestos is found at the site the applicant must comply with all requirements outlined in the Asbestos ATCM for Construction, Grading, Quarrying, and Surface Mining Operations. These requirements may include but are not limited to 1) an Asbestos Dust Mitigation Plan which must be approved by the District before construction begins, and 2) an Asbestos Health and Safety Program will also be required for some projects. Please refer to the District web page at <http://www.slcleanair.org/business/asbestos.asp> for more information regarding these requirements. If you have any questions regarding these requirements, please contact Karen Brooks of our Enforcement Division at 781-5912.

Developmental Burning

Effective February 25, 2000, the District prohibited developmental burning of vegetative material within San Luis Obispo County. Under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. This requires prior application, payment of fee based on the size of the project, District approval, and issuance of a burn permit by the District and the local fire department authority. The applicant is required to furnish the District with the study of technical feasibility (which includes costs and other constraints) at the time of application. If you have any questions regarding these requirements, contact Karen Brooks of our Enforcement Division at 781-5912.

Operational Phase Emissions

We would like to commend the applicant for proposing development within the urban reserved line. The District supports higher density development within the urban core, as opposed to development at the urban fringe. This in-fill development makes walking, bicycling, and public transportation more viable, decreasing dependence on driving and therefore reducing emissions from motor vehicles. This type of project is consistent with the goals and policies of the District's Clean Aril Plan.

District staff conducted a screening level air quality impact assessment for operational impacts from this project. Based on the information provided in the project referral the unmitigated project will not likely exceed the District's Tier I CEQA significance threshold for operational phase emissions. However, the project is located next to an active agricultural facility. The District recognizes the potential incompatibility of developing homes adjacent to agricultural sites. Should this project move forward, we recommend the applicant implement measures (i.e. buffer area) to minimize potential odor impacts to future residents.

Wood Burning Devices

As you may be aware, under District Rule 504, only District approved wood burning devices can be installed in new dwelling units. District approved devices include:

- All EPA-Certified Phase II wood burning devices;
- Catalytic wood burning devices which emit less than or equal to 4.1 grams per hour of particulate matter which are not EPA-Certified but have been verified by a nationally-recognized testing lab;

2-64

Moore Parcel Split SUB 2003-00128

April 8, 2004

Page 3 of 3

- Non-catalytic wood burning devices which emit less than or equal to 7.5 grams per hour of particulate matter which are not EPA-Certified but have been verified by a nationally-recognized testing lab;
- Pellet-fueled woodheaters; and
- Dedicated gas-fired fireplaces.

If you have any questions about approved wood burning devices, please contact Tim Fuhs of our Enforcement Division at 781-5912.

If you have any questions or comments please contact me at (805) 781-4667.

MAG/sll

cc: Tim Fuhs, SLOAPCD Enforcement Division
Karen Brooks, SLOAPCD Enforcement Division

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DEPARTMENT OF PLANNING
2004 11/11

SAN LUIS OBISPO COUNTY

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DATE:

THIS IS A NEW PROJECT R

FROM:
TO:

FROM:

March 26, 2004 0411
Parks/Rec - JMDil.
So. County Team
(Please direct response to the above)

Development Review Section (Phone: 781- 788- 1001)

PROJECT DESCRIPTION:

Sub-divide existing .50 acre parcel
into (3) parcels, 6000 SF minimum

Return this letter with your comments attached no later than:

April 9, 2004

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☒ YES
☐ NO

(Please go on to Part II)

(Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☒ NO
☐ YES

(Please go on to Part III)

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

(1) Require ^{attached} ~~attached~~ trail along Grande Ave. Frontage to A-1(x) standard.

(2) Require payment of Quimby fees and applicable building Division fees.

04/01/04
Date

JAN Dilco
Name

X4089
Phone

